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Paper No. 13

Connolly Bove Lodge & Hutz, LLP
Suite 800
1990 M Street NW
Washington, DC 20036-3425

MAILED

DEC 02 2003

Technology Center 2100

In re Application of: Kevin J. Barcomb et al.	)	**DECISION ON PETITION**
Application No. 09/524,254	)	**UNDER 37 C.F.R. § 1.181 TO**
Filed: March 13, 2000	)	**WITHDRAW HOLDING OF**
For: RAPID FAIL ANALYSIS OF	)	**ABANDONMENT**
EMBEDDED OBJECTS	)	

This is a decision on the petition filed, October 7, 2003, under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment.(See MPEP § 711.03(c)).

The petition is **DISMISSED**.

The Application was abandoned for failure to file a timely response to the Office action mailed on January 28, 2003. A Notice of Abandonment was mailed September 24, 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 (9 pages) bearing a certificate of transmission by facsimile signed by Pat Blair dated April

23, 2003 and a copy of an auto-reply response to the facsimile transmission from the U.S. Patent and Trademark Office acknowledging that 10 pages were received (including the cover sheet) on April 23, 2003.

Petitioner has established that a 10 page transmission was received April 23, 2003 within the 3-month shortened statutory period of response and that no extension of time fees were required for the response.

A review of the file reveals that a 10 page transmission was received on April 23, 2003. The cover page matches the copy of the cover page submitted with this petition and reproduced in reduced format on the auto-reply receipt. However, the subsequent 9 pages are not an amendment but are 9 more instances of the cover sheet. This raises doubt as to precisely what was submitted on April 23, 2003.

In the instant case, the petition does not comply with the requirements set forth in 37 C.F.R. § 1.8(b)(3). The petition does not attest to the transmission of the response on a ***personal knowledge*** basis. Accordingly, it has not been established that the 9 page Response signed by Robert A. Walsh which bears a certificate of facsimile transmission signed by Pat Blair was actually filed in the Office.

Accordingly, the petition is **DISMISSED**.

If the petitioner desires further review of this Decision, applicant should consider filing a Request for Reconsideration within 2 months of the mailing date of this Decision.

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 306-4160

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Paper No. 15

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MAR 0 4 2004

Technology Center 2100

Connolly Bove Lodge & Hutz, LLP
Suite 800
1990 M Street NW
Washington, DC 20036-3425

In re Application of: Kevin J. Barcomb et al.	)	**DECISION ON PETITION**
Application No. 09/524,254	)	**UNDER 37 C.F.R. § 1.181 TO**
Filed: March 13, 2000	)	**WITHDRAW HOLDING OF**
For: RAPID FAIL ANALYSIS OF	)	**ABANDONMENT**
EMBEDDED OBJECTS	)	

This is a decision on the Request for Reconsideration (filed December 12, 2003), filed in response to the decision (Paper No. 13, mailed December 2, 2004) Dismissing Applicant's petition under 37 C.F.R. § 1.8(b) to accept papers as timely filed and 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 January 28, 2003. A Notice of Abandonment was mailed September 24, 2003.

The original petition filed April 16, 2001 was denied for failure to attest to the transmission of the Response on a personal knowledge basis. The request for reconsideration is accompanied by a verified statement signed by Robert Walsh and Patricia L. Blair relating on a personal knowledge basis the circumstances surrounding the original transmission.

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:
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> (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 now complies with the requirements set forth in 37 C.F.R. § 1.8(b).

Accordingly, the petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

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
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 306-4160

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2100

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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Paper No. 8

Brian M. Buroker
HUNTON & WILLIAMS
1900 K Street, N.W., Suite 1200
Washington, D.C. 20006-1109

In re Application of: Vladimir Ostrovsky Application No. 09/524,281 Filed March 13, 2000 For: METHOD AND SYSTEM FOR TRANSFERRING ELECTRONIC FUNDS	)))))))	**DECISION ON PETITION FOR ACCELERATED EXAMINATION UNDER M.P.E.P. §708.02(VIII)**

This is a decision on the petition, filed April 11, 2000 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

> A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:
>
> (a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);
>
> (b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status.
>
> (c) Submits a statement(s) that a pre - examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;
>
> (d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and
>
> (e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

Applicant's submission meets all the criteria set out above. Accordingly, the Petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in M.P.E.P. §708.02, Section VIII.

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

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Paper No. 9

WEINGARTEN SCHURGIN GAGNEBIN & LEBOVICI
TEN POST OFFICE SQUARE
BOSTON, MA 02109

COPY MAILED

OCT 3 1 2002

OFFICE OF PETITIONS

In re Application of	:	
Lennart Braberg et al	:	
Application No. 09/524,310	:	ON PETITION
Filed: March 14, 2000	:	
Attorney Docket No. KRNOS-009XX	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 24, 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 November 7, 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 February 8, 2002.

The Revocation of Power and Appointment of New Attorney filed October 24, 2002 is entered and made of record.

Pursuant to petitioner's authorization, Deposit Account No. 23-0804 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 3627.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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JUN 04 2003

OFFICE OF PETITIONS

David L. Wisz
400 West Maple Road
Suite 350
Birmingham, MI 48009

In re Application of
Paul John GRIFFITHS
Application No. 09/524,436
Filed: March 14, 2000
Attorney Docket No. 60130-390

DECISION GRANTING STATUS

UNDER 37 CFR 1.47

This is in response to the "Renewed Petition Under 37 CFR 1.47(b)", filed September 26, 2001.

The petition is GRANTED.

Petitioner has shown that the non-signing inventor has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the statement of facts of David L. Wisz establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration. In addition, petitioner has shown that Meritor HVS Limited has a proprietary interest in the above-identified application with the copy of the employment agreement showing that the inventor had an obligation to assign any patent rights to Meritor HVS Limited. The petition fee has been paid on July 6, 2000. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and demonstrated that petitioner has shown that such action is necessary to prevent irreparable damage. It is noted that a declaration was filed with the originally-presented petition pursuant to 37 CFR 1.47(b) on July 6, 2000. The declaration, which was executed by David L. Wisz acting on behalf of and as an agent for Meritor HVS Limited, has been accepted as complying with 37 CFR §§1.63 and 1.64. See MPEP §409.03. The declaration filed with the renewed petition has been placed in the application file but will not be used; any convenience to petitioner caused by the filing this additional declaration is regretted.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status and the Office of Initial Patent Examination is authorized to

(1) accept this application under Rule 1.47(b);

(2) process this application with the inventor being Paul John Griffiths and

with the indication that the application was filed by Meritor HVS, Limited as the party in interest under 35 USC §118, using the declaration filed on July 6, 2000, as noted above.

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 Declaration. 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.

Inquiries regarding this communication may be directed to B. Dayoan at (703) 308-3865 or, in her absence, to the undersigned at (703) 305-1820.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paul John Griffiths
3, Arrowcroft Road
Guilden Sutton
Chester, Cheshire
CH3 7EL, United Kingdom

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JUN 04 2003

OFFICE OF PETITIONS

In re Application of
Paul John Griffiths
Application No. 09/524,436
Filed: March 14, 2000
For: AIR SPRING AND PEDESTAL

Dear Mr. Griffiths:

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(b), 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 B. Dayoan at (703) 308-3865 or, in her absence, to the undersigned at (703) 305-1820. 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).

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: David L. Wisz
400 West Maple Road
Suite 350
Birmingham, MI 48009

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WASHINGTON, D.C. 20231
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PATENT & TRADEMARK OFFICE

Theodore W. Olds
CARLSON, GASKEY & OLDS
400 W. Maple Road, Ste. 350
Birmingham, Michigan 48009

60130-390
Wisz

CARLSON, GASKEY & OLDS
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OFFICE OF PETITIONS

In re Application of	:
Paul John Griffiths	:
Application No. 09/524,436	: DECISION REFUSING STATUS
Filed: March 14, 2000	: UNDER 37 CFR 1.47(b)
For: IMPROVED AIR SPRING AND	:
PEDESTAL	:

This is in response to the petition under 37 CFR 1.47(b), filed July 6, 2000. The Office sincerely apologizes for the delay in responding to the instant petition and any inconvenience caused to the petitioner by this delay.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the 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 March 14, 2000, without an executed oath or declaration and naming Paul John Griffiths as the sole inventor.

Accordingly, on May 18, 2000, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a filing fee, and a surcharge for their late filing.

In response, on July 6, 2000, a Response to the Notice to File Missing Parts was filed which contained the following items:

1) Declaration and Power of Attorney executed by Mr. David L. Wisz on behalf of nonsigning inventor and associated surcharge late fee;

2) a copy of the Notice to File Missing Parts; and

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3) Petition under 37 CFR 1.47(b) and associated fee.
On July 6, 2000, a Declaration and Power of Attorney signed by David L. Wisz on behalf of Paul John Griffiths was filed.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;

(2) an acceptable oath or declaration;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest; and

(6) proof of irreparable damage.

Applicant lacks item (2), (4) and (6) set forth 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 must be signed by an officer of the corporation (president, vice president, secretary or treasurer) on behalf of and as agent for the non-signing inventor. The declaration of Mr. David L. Wisz does not provide Mr. Wisz's title or position with respect to the Assignee. If the Declaration is not signed by an officer of the corporation, then proof of authority on behalf of the corporation must be submitted. 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. Griffiths is REQUIRED. See MPEP 409.03(b).

As to item (4), a statement of the inventor's last known address is missing and is required.

As to item (6), Rule 47 applicant failed to provide proof of irreparable damage (see MPEP 409.03(g)). A statement by Rule 47 applicant that the filing is necessary to prevent irreparable damage or preserve the rights of the parties would be sufficient.

Apparently, the declaration and Power of Attorney became separated from the Petition under 37 CFR 1.478(b). Therefore, the Office of Initial Patent Examination only saw the non-executed declaration received July 6, 2000. In response to this non-executed declaration, the Office of Initial Patent Examination mailed a Notice of Incomplete Reply November 7, 2000, informing Applicant that the time was still running for a complete response. This Notice of Incomplete Response is hereby vacated since such non-executed declaration was accompanied by a Petition under 37 CFR 1.47(b).

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 related to this decision should be directed to Lesley Morris at 703-306-0028.

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
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Theodore W. Olds
CARLSON, GASKEY & OLDS
400 W. Maple Road, Ste. 350
Birmingham, Michigan 48009

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AUG 2 2 2001

OFFICE OF PETITIONS

In re Application of	:
Paul John Griffiths	:
Application No. 09/524,436	: DECISION REFUSING STATUS
Filed: March 14, 2000	: UNDER 37 CFR 1.47(b)
For: IMPROVED AIR SPRING AND	:
PEDESTAL	:

This is in response to the petition under 37 CFR 1.47(b), filed July 6, 2000. The Office sincerely apologizes for the delay in responding to the instant petition and any inconvenience caused to the petitioner by this delay.

The petition is dismissed.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to respond, correcting the below-noted deficiencies. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(b)" and may include an oath or declaration executed by the 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 March 14, 2000, without an executed oath or declaration and naming Paul John Griffiths as the sole inventor.

Accordingly, on May 18, 2000, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a filing fee, and a surcharge for their late filing.

In response, on July 6, 2000, a Response to the Notice to File Missing Parts was filed which contained the following items:

1) Declaration and Power of Attorney executed by Mr. David L. Wisz on behalf of nonsigning inventor and associated surcharge late fee;

2) a copy of the Notice to File Missing Parts; and

3) Petition under 37 CFR 1.47(b) and associated fee.
On July 6, 2000, a Declaration and Power of Attorney signed by David L. Wisz on behalf of Paul John Griffiths was filed.

A grantable petition under 37 CFR 1.47(b) requires:

(1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration;

(2) an acceptable oath or declaration;

(3) the petition fee;

(4) a statement of the last known address of the non-signing inventor;

(5) proof of proprietary interest; and

(6) proof of irreparable damage.

Applicant lacks item (2), (4) and (6) set forth 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 must be signed by an officer of the corporation (president, vice president, secretary or treasurer) on behalf of and as agent for the non-signing inventor. The declaration of Mr. David L. Wisz does not provide Mr. Wisz's title or position with respect to the Assignee. If the Declaration is not signed by an officer of the corporation, then proof of authority on behalf of the corporation must be submitted. 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. Griffiths is REQUIRED. See MPEP 409.03(b).

As to item (4), a statement of the inventor's last known address is missing and is required.

As to item (6), Rule 47 applicant failed to provide proof of irreparable damage (see MPEP 409.03(g)). A statement by Rule 47 applicant that the filing is necessary to prevent irreparable damage or preserve the rights of the parties would be sufficient.

Apparently, the declaration and Power of Attorney became separated from the Petition under 37 CFR 1.478(b). Therefore, the Office of Initial Patent Examination only saw the non-executed declaration received July 6, 2000. In response to this non-executed declaration, the Office of Initial Patent Examination mailed a Notice of Incomplete Reply November 7, 2000, informing Applicant that the time was still running for a complete response. This Notice of Incomplete Response is hereby vacated since such non-executed declaration was accompanied by a Petition under 37 CFR 1.47(b).

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 related to this decision should be directed to Lesley Morris at 703-306-0028.

For

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

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Paper No. 23

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

MAIL

DEC 16 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
John G. Aceti, et al.
Application No. 09/524,666
Filed: March 13, 2000
For: DISPOSABLE MODULAR HEARING AID

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition to make special filed November 3, 2003 (paper No. 22) under MPEP §708.02 (IV), applicant's age.

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 statement by Mr. Marvin Leedom, in support of the petition, evidencing that he is over 65 years of age.

Accordingly, the petition 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.

The application is being forwarded to the examiner for expedited prosecution.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4701

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CONCORD, MA 01742-9133

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OFFICE OF PETITIONS

In re Application of :
Aceti, et al. :
Application No. 09/524,666 :
Filed: March 13, 2000 :
Attorney Docket No.SMI-1345pA

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment filed December 11, 2006.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the election/restriction requirement mailed December 28, 2005, set a period for reply of one month from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136. A response was filed on February 2, 2006. By a communication mailed March 9, 2006, petitioner was advised that the response of February 2, 2006, was not proper and the requirement was made for supplemental election. A review of the communication mailed March 9, 2006, did not reveal a new period for response. Accordingly, it is assumed that the period for response remained as set forth in the restriction/election requirement mailed December 28, 2005. No further responses were received within the allowable period, and the application became abandoned on January 29, 2006. A Notice of Abandonment was mailed on November 28, 2006.

The instant petition was filed on December 11, 2006. Petitioner maintains that a response to the February 2, 2006, communication was filed on September 11, 2006. It is noted, however, that the maximum period for reply to the election/restriction requirement expired July 29, 2006[1]. Accordingly, the holding of abandonment was proper as a timely response to the election/restriction requirement was not received. Petitioner may file a renewed petition to withdraw the holding of abandonment, but will need to demonstrate that the February 2, 2006, communication set a new period for reply. If petitioner is not able to establish this the application may be revived pursuant to 37 CFR 1.137.

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

[1] This date was calculated assuming that the period for filing a proper response to the election/restriction requirement ran from December 28, 2005, and that the February 2, 2006, communication did not set a new period for reply.

By facsimile: (571) 273-8300
Attn: Office of Petitions

Telephone inquiries regarding this decision should be directed to the undersigned (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
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HAMILTON, BROOK, SMITH &
REYNOLDS, P.C.
530 VIRGINIA ROAD
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CONCORD, MA 01742-9133

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OFFICE OF PETITIONS

In re Application of

Aceti, et al.

Application No. 09/524,666

Filed: March 13, 2000

Attorney Docket No. SMI-1345pA

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed February 28, 2007.

The renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is **granted**.

The above-identified application became abandoned for failure to reply to the election/restriction requirement mailed December 28, 2005, set a period for reply of one month from its mailing date. Extensions of time were available pursuant to 37 CFR 1.136. A response was filed on February 2, 2006. By a communication mailed March 9, 2006, petitioner was advised that the response of February 2, 2006, was not proper and the requirement was made for supplemental election. It was believed that no further responses were received within the allowable period, and the application became abandoned on January 29, 2006. A Notice of Abandonment was mailed on November 28, 2006.

The undersigned contacted Examiner Dabney who confirmed that the March 9, 2006, communication set a one-month extendable period for reply. The petition demonstrates that a response was filed on September 11, 2006, with a request for an extension of time within the fifth month. Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was transmitted prior to expiration of the maximum period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due.

The application file is being forwarded Technology Center 2600, GAU 2614, for further processing including treatment of the copy of the September 11, 2006, response that was filed on December 11, 2006.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
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EDWARD N BACHAND
DORSEY & WHITNEY LLP
SUITE 3400
FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 94111-4187

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JAN 2 0 2006

OFFICE OF PETITIONS

In re Patent No. 6,836,584	:	NOTICE
Issued: December 28, 2004	:	
Application No. 09/524,727	:	
Filed: March 14, 2000	:	
Attorney Docket No. A-66167-1/ENB	:	

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 (571) 272-3282.

This file is being returned to the Files Repository.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6406454
Issue Date: June 18,2002
Application No. 09524792
Filed: March 14,2000
Attorney Docket No. 1272

:

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

:

This is a decision on the electronic petition, filed November 20,2006 ,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 November 20,2006. 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)
6406454	2002-06-18	09524792	2000-03-14	017109.0101

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	/brad williams/	Date (YYYY-MM-DD)	2006-11-20
Name	Bradley P. Williams	Registration Number	40227

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.

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OFFICE OF PETITIONS

NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

In re Application of	:	
Esme M. Taylor	:	DECISION ON PETITION
Application No. 09/524,849	:	TO WITHDRAW
Filed: March 14, 2000	:	FROM RECORD
Attorney Docket No. 853.02	:	

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 4, 2005 and October 21, 2005.

The request is **NOT APPROVED.**

A review of the file record indicates that the previously appointed power of attorney has been revoked by the Assignee. 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.

This application is being referred to Technology Center AU 2176 to consider the response filed February 27, 2006.

Telephone inquiries concerning this decision should be directed to Karen Creasy at 571-272-3208.

Amelia Au
Petitions Examiner
Office of Petitions

cc:
JUDITH A. SZEPESI
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD 7TH FLOOR
LOS ANGELES, CA 90025

current address of record below:

DERGOSITS & NOAH LLP
FOUR EMBARCADERO CENTER, SUITE 1450
SAN FRANCISCO CA 94111

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JJGJR.: 05-04

Paper No: 23

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OFFICE OF PETITIONS

In re Application of
Andino et al :
Application No. 09/524,990 : ON PETITION
Filed: 14 March, 2000 :
Attorney Docket No. CL/V-30886A/CGV2116 :

This is a decision on the petition filed on 16 April, 2004, to revive the application under 37 C.F.R. §1.137(b).

For the reasons set forth below, the petition is **GRANTED**.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the non-final Office action mailed on 16 July, 2003, with a reply due absent a request and fee for extension of time on or before 16 October, 2003;
- a result, the application was deemed abandoned after midnight 16 October, 2003;
- before Notice of Abandonment was mailed, the instant petition (with fee), statement of unintentional delay and a reply in the form of an amendment were filed on 16 April, 2004; and
- Notice of Abandonment was mailed on 20 April, 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 "unintentional." 35 U.S.C. §41(a)(7). The regulations at 37 C.F.R. §1.137(b) set forth the requirements for a petitioner to revive a previously unintentionally abandoned application under this congressional grant of authority. Petitioner must be diligent in attending to the matter.[1] Failure to do so does not constitute the care required under Pratt,[2] 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.[3]))

Allegations as to Unintentional Delay

Petitioner has satisfied the regulatory requirements as required under 37 C.F.R. §1.137(b).

CONCLUSION

Because Petitioner satisfied the burdens set forth under 37 C.F.R. §1.137(b) hereby is **granted**.

The file will be forwarded to Technology Center 1700 for further processing in due course.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

---

[1] 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.

[2] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887); see also: Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r. Pat. 1913).

[3] 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.

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OFFICE OF PETITIONS

In re Application of	:	
Hirt et al.	:	
Application Number: 09/525158	:	DECISION ON PETITION
Filing Date: 03/14/2000	:	
Attorney Docket Number: CL/V-30880/A/CGV2112	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed on September 14, 2007 (certificate of mailing date September 11, 2007), to revive the above-identified application, and, in the alternative, to withdraw the holding of abandonment.

The petitions are **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)." and/or to withdraw the holding of abandonment. This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

The above-identified application became abandoned on November 29, 2001, for failure to timely submit the issue fee in response to the Notice of Allowance and Issue Fee Due mailed on August 28, 2001, which set a three (3)-month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on April 5, 2002.

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Petitioners assert that a petition to withdraw the holding of abandonment was timely filed on May 28, 2002, within two (2) months of the mailing date of the Notice of Abandonment mailed on April 5, 2002. In support, petitioners have provided a copy of the petition to withdraw the holding of abandonment, and an itemized postcard bearing an Office-date stamp dated May 28, 2002, itemizing the filing of the petition to withdraw the holding of abandonment. The copy of the petition to withdraw the holding of abandonment provided also includes a Certificate of Mailing under 37 CFR 1.8, dated May 10, 2002, signed by Jennifer China.

It is noted that the petition to withdraw the holding of abandonment filed on May 28, 2002, has been located in the Official file.

Petitioners request that the Office withdraw the holding of abandonment due to non-receipt of the Notice of Allowance and Issue Fee Due mailed on August 28, 2001.

A review of the record indicates no irregularity in the mailing of the Notice of Allowance and Issue Fee Due mailed on August 28, 2001, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice of Allowance and Issue Fee Due mailed on August 28, 2001, was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice of Allowance and Issue Fee Due mailed on August 28, 2001 was not in fact received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner, stating that the practitioner did not receive the Notice of Allowance and Issue Fee Due mailed on August 28, 2001 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 non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[1] For example, if a three-month period for reply was set in the non-received Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the non-received Office action

[1] M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

must be submitted as documentary proof of non-receipt of the Office action.[2]

The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Notice of Allowance and Issue Fee Due mailed on August 28, 2001 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).

Petitioners have supplied a copy of a docket report along with a statement by the practitioner attesting to the fact that a search of the file jacket and docket records indicates that the Office action was not received. The docket report is referenced in the practitioner's statement.

The petition must be dismissed at this time, however, because the extended period between the filing of the original petition to withdraw the holding of abandonment on May 28, 2002, and the filing of the subject petition on September 11, 2007 (certificate of mailing date), obligates the Office to inquire into the reasons for the delay.

MPEP 203.08, states, in pertinent part, that in the event that a six month period has elapsed, and no response from the Office is received, applicant should inquire as to the status of the application to avoid potential abandonment. A stamped postcard receipt for replies to Office actions, adequately and specifically identifying the papers filed, will be considered prima facie proof of receipt of such papers. See MPEP § 503. Where such proof indicates the timely filing of a reply, the submission of a copy of the postcard with a copy of the reply will ordinarily obviate the need for a petition to revive. Proof of receipt of a timely reply to a final action will obviate the need for a petition to revive only if the reply was in compliance with 37 CFR 1.113.

In this regard, the showing of record is that over five (5) years elapsed between the initial filing of a petition to withdraw the holding of abandonment, on May 28, 2002, and the filing of the subject petition, and that no status inquiries were filed during the intervening time. In this regard, applicants are reminded that it is the obligation of the applicant, rather than the Office, to diligently prosecute the application.

---

[2] Id.

Accordingly, the Office is requesting additional information regarding the delay between the filing of the petition to withdraw the holding of abandonment filed on May 28, 2002, and the filing of the present petition. Any renewed petition must be accompanied by affidavits or declarations of facts by persons having first-hand knowledge of the circumstances surrounding the delay, setting forth the facts as they know them. Petitioner may also wish to submit any docket reports or other contemporaneous documentation which would establish a showing of diligence throughout the period described above.

Accordingly, the showing of record is insufficient to warrant withdrawal of the holding of abandonment at this time.

The application is properly held abandoned.

The petition to withdraw the holding of abandonment is **DISMISSED**.

PETITION UNDER 37 CFR 1.137(b)

Petitioners' counsel asserts that the delay in prosecution was unintentional because petitioner was unaware that no action had been taken with respect to the petition to withdraw the holding of abandonment.

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). 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 Director may require additional information. *See* MPEP 711.03(c)(II)(C) and (D). The instant petition lacks item (3).

The patent statute at 35 U.S.C. § 41(a)(7) authorizes the Director to revive an "unintentionally abandoned application." The legislative history of Public Law 97-247 reveals that the purpose of 35 U.S.C. § 41(a)(7) is to permit the Office to have more discretion than in 35 U.S.C. §§ 133 or 151 to revive abandoned applications in appropriate circumstances, but places a limit on this discretion, stating that "[u]nder this section a petition accompanied by either a fee of $500 or a fee of $50

would not be granted where the abandonment or the failure to pay the fee for issuing the patent **was intentional** as opposed to being unintentional or unavoidable." [emphasis added]. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), *reprinted in* 1982 U.S.C.C.A.N. 770-71. The revival of an intentionally abandoned application is antithetical to the meaning and intent of the statute and regulation.

35 U.S.C. § 41(a)(7) authorizes the Director to accept a petition "for the revival of an unintentionally abandoned application for a patent." As amended December 1, 1997, 37 CFR 1.137(b)(3) provides that a petition under 37 CFR 1.137(b) must be accompanied by a statement that the delay was unintentional, but provides that "[t]he Commissioner may require additional information where there is a question whether the delay was unintentional." Where, as here, there is a question whether the initial delay was unintentional, the petitioner must meet the burden of establishing that the delay was unintentional within the meaning of 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b). *See* In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pats. 1989); 37 CFR 1.137(b). Here, in view of the inordinate delay in resuming prosecution, there is a question whether the entire delay was unintentional. Petitioner should note that the issue is not whether *some* of the delay was unintentional by any party; rather, the issue is whether the *entire* delay has been shown to the satisfaction of the Director to be unintentional.

The question under 37 CFR 1.137(b) is whether the delay on the part of the party having the right or authority to reply to avoid abandonment (or not reply) was unintentional.

Likewise, where the applicant deliberately chooses not to seek or persist in seeking the revival of an abandoned application, or where the applicant deliberately chooses to delay seeking the revival of an abandoned application, the resulting delay in seeking revival of the abandoned application cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). See MPEP 711.03(c).

The language of both 35 U.S.C. § 41(a)(7) and 37 CFR 1.137(b) are clear and unambiguous, and, furthermore, without qualification. That is, the delay in filing the reply during prosecution, as well as in filing the petition seeking revival, must have been, without qualification, "unintentional" for the reply to now be accepted on petition. The Office requires that the entire delay be at least unintentional as a prerequisite to revival of an

abandoned application to prevent abuse and injury to the public. *See* H.R. Rep. No. 542, 97th Cong., 2d Sess. 7 (1982), reprinted in 1982 U.S.C.C.A.N. 771 ("[i]n order to prevent abuse and injury to the public the Commissioner . . . could require applicants to act promptly after becoming aware of the abandonment"). The December 1997 change to 37 CFR 1.137 did not create any new right to overcome an intentional delay in seeking revival, or in renewing an attempt at seeking revival, of an abandoned application. *See* Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53160 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 87 (October 21, 1997), which clearly stated that any protracted delay (here, over five (5) years) could trigger, as here, a request for additional information. As the courts have since made clear, a protracted delay in seeking revival, as here, requires a petitioner's detailed explanation seeking to excuse the delay as opposed to USPTO acceptance of a general allegation of unintentional delay. *See* Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633, at 1637-8 (E. D. Mich. 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23.

Likewise, as registered patent practitioner Jian S. Zhou, Reg. No. 41,422, filed both the petition to withdraw the holding of abandonment, filed on May 28, 2002, and the subject petition, filed on September 14, 2007, practitioner Zhou and the attorneys associated with petitioner Novartis Corporation (collectively hereinafter "the attorneys of record"), were counsel of record at the time of and throughout the period of abandonment, the attorneys of record should explain why this application became abandoned while it was under their control and what efforts the attorneys of record made to further reply of itself and with whom this matter was discussed outside of the attorneys of record, the inventor, and any assignee(s). Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from responsible person(s), the attorneys of record, the inventor, any assignee(s), and whoever else was involved with this application at the time of abandonment. Statements are required from any and all persons then involved in the prosecution of the application, including the attorneys of record, the inventor, any assignee(s), and the responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. *See* Lawman Armor v. Simon, 2005 U.S. Dist.

LEXIS 10843, 74 USPQ2d 1633 (E.D. Mich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005); Lumenyte Int'l Corp. v. Cable Lite Corp., Nos. 96-1011, 96-1077, 1996 U.S. App. LEXIS 16400, 1996 WL 383927 (Fed. Cir. July 9, 1996) (unpublished) (patents held unenforceable due to a finding of inequitable conduct in submitting an inappropriate statement that the abandonment was unintentional).

As noted in MPEP 711.03(c)(II), subsection D, in instances in which such petition was not filed within 1 year of the date of abandonment of the application, applicants should include:

> (A) the date that the applicant first became aware of the abandonment of the application; and
> (B) a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant.

In either instance, applicant's failure to carry the burden of proof to establish that the "entire" delay was "unavoidable" or "unintentional" may lead to the denial of a petition under 37 CFR 1.137(b), regardless of the circumstances that originally resulted in the abandonment of the application. *See also* New York University v. Autodesk, 2007 U.S. DIST LEXIS, U.S.District LEXIS 50832, *10 -*12 (S.D.N.Y. 2007)(protracted delay in seeking revival undercuts assertion of unintentional delay).

It is noted that the petition to revive fee has been charged twice. The duplicate petition fee will be credited to counsel's deposit account, as authorized in the present petition.

As such, the petition under 37 CFR 1.137(b) is **DISMISSED**.

Any renewed petition may be addressed as follows:

By Mail: Mail Stop PETITION
Commissioner for Patents
P. O. 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.**

The address in the petition is different than the correspondence address. A copy of this decision will be mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

Correspondence regarding this decision may also be filed through the electronic filing system of the USPTO.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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Paper No. 17

CIBA VISION CORPORATION
PATENT DEPARTMENT
11460 JOHNS CREEK PARKWAY
DULUTH GA 30097-1556

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OFFICE OF PETITIONS

In re Application of	:	
Hirt et al.	:	
Application Number: 09/525158	:	
Filing Date: 03/14/2000	:	ON PETITION
Attorney Docket Number: CL/V-30880/A/CGV2112	:	

This is a decision on the "RENEWED PETITION UNDER 37 C.F.R. §1.137(b)[1] AND/OPR RENEWED PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT," filed on June 25, 2008.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition to withdraw the holding of abandonment is **DIMSISSED AS MOOT**.

The above-identified application became abandoned on November 29, 2001, for failure to timely submit the issue fee in response to

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[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 a nonprovisional 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 be the payment of the issue fee or any outstanding balance thereof. 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 37 CFR 1.137(b) was unintentional. The Director 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)).

the Notice of Allowance and Issue Fee Due mailed on August 28, 2001, which set a three (3)-month shortened statutory period for reply. Notice of Abandonment was mailed on April 5, 2002.

The petition under 37 CFR 1.137(b) and 1.181 filed on September 14, 2007, was dismissed on February 20, 2008. On June 25, 2008 (certificate of mailing date June 19, 2008), the present renewed petition was filed, accompanied by a two (2) month extension of time.

The petition under 37 CFR 1.137(b) is granted, and the application is restored to pending status.

In view of the granting of the petition under 37 CFR 1.137(b), the petition to withdraw the holding of abandonment is dismissed as moot.

The petition fee required under 37 CFR 1.137(b)(2) was paid with the original petition filed on September 14, 2007. Accordingly, the duplicate petition fee charged with the subject renewed petition is unnecessary and will be credited to counsel's deposit account.

The issue fee has been charged to counsel's deposit account, as authorized in the original petition filed on September 14, 2007.

The application is being forwarded to the Office of Data Management for processing into a patent.

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

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
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Mailed: JUL 1 2003

Paper Number 21

In re application of
Savvas Vasileiadis et al.
Serial No. 09/525,176
Filed: March 14, 2000

DECISION ON PETITION

For: PERMREACTOR AND SEPARATOR TYPE FUEL PROCESSORS FOR PRODUCTION OF HYDROGEN AND HYDROGEN, CARBON OXIDES MIXTURES

This is a decision on the PETITION UNDER 37 CFR 1.144 TO WITHDRAW THE RESTRICTION REQUIREMENT mailed October 3, 2002 and made final in the office action mailed January 9, 2003.

On October 2, 2002, a thirteen-way restriction requirement was made by the examiner. The examiner took the position that the groups were related as combination /subcombinations. Applicants traversed the restriction requirement in a response filed November 7, 2002. The examiner made the requirement final in an office action mailed January 9, 2003. An additional request to withdraw the requirement was made on March 26, 2003 by way of a telephonic interview.

On April 5, 2003, the instant petition under 37 CFR 1.144 was filed to formally request the withdrawal of the restriction requirement.

Applicant's position for the withdrawal of the restriction requirement is that the examiner has not shown that the separate groups are distinct.

DECISION

Sections 803 and 806.05(c) of the MPEP state:

803 Restriction - When Proper
Under the statute an application may properly be required to be restricted to one of two or more claimed inventions only if they are able to support separate pat-ents and they are either independent (MPEP § 806.04 - § 806.04(i)) or distinct (MPEP § 806.05 - §

806.05(c) Criteria of Distinctness for Combination, Subcombination, or Element of a Combination
In order to establish that combination and subcombination inventions are distinct, two-way distinctness must be demonstrated.
To support a requirement for restriction, both two-way distinctness and reasons for insisting on restriction are necessary, i.e., separate classification, status, or field of search. See MPEP § 808.02.
The inventions are distinct if it can be shown that a combination as claimed:
(A) does not require the particulars of the subcombination as claimed for

patentability (to show novelty and unobviousness), and
(B) the subcombination can be shown to have utility either by itself or in other and different relations.
When these factors cannot be shown, such inventions are not distinct.

In the restriction requirement mailed on October 3, 2002, the examiner required restriction between 13 different groups. It is noted that the examiner failed to indicate which claims were covered by each of the groups listed. In the action, the examiner states that "the combination as claimed does not require all the particulars of the subcombination as claimed because each of the inventions set forth...is capable of supporting its own patent without requiring the inclusion of an additional non-elected invention." This reasoning is not persuasive. It is noted that all of the non-elected claims are dependent upon claims that were examined. Because these are dependent claims, said claims would have to contain all of the particulars of the subcombination based on the definition of dependent claims. All of the limitations in an independent claim are inherently part of any dependent claimed therefrom. The criteria listed above has not been met by the examiner, therefore, distinctness has not been shown.

Accordingly, the petition for withdrawal of the restriction requirement is **GRANTED.** The application is being forwarded to the examiner to rejoin all of the non-elected claims and preparing a new non-final office action addressing all pending claims.

JMStone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Savvas Vasileiadis
Zivatech
15549 Dearborn Street
North Hills CA 91343-3267

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TUCSON AZ 85718

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APR 16 2010

OFFICE OF PETITIONS

In re Application of
Ishzak et al.
Application No. 09/525,183
Filed: March 14, 2000
Attorney Docket No. NEC 99641
For: Magnetic Signal Transmission Line

DECISION ON PETITION

The above-identified application has been forwarded to the undersigned for consideration on a petition for patent term adjustment entitled "Request for Reconsideration of Patent Term Adjustment," received on October 23, 2009.

The request under 37 CFR 1.705 is dismissed.

Petitioner notes that the Notice of Allowance mailed on October 8, 2009, for the above-identified application stated that the Patent Term Extension is 0 days and did not contain an indication of patent term adjustment. Petitioner notes that the application was filed on March 14, 2000. Petitioner asserts that the Office lost the filed and Applicants had to provide reconstruction of the file which was completed on April 19, 2007 and then Applicants had to wait another two years for the first Action on the merits.

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 was amended by the "American Inventors Protection Act of 1999," which was enacted on November 29, 1999 as part of Public Law 106-113 (Consolidated Appropriations Act for Fiscal Year 2000).

The above-identified application was filed on March 14, 2000. 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. 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.

Petitioner's assertion that the application is eligible for patent term adjustment provisions pursuant to 35 U.S.C. § 154 and 37 CFR 1.702 -1.705 is not persuasive. The effective date provision (§ 4405) in the legislation clearly states that the amendments to 35 U.S.C. § 154 apply to applications filed on or after the date that is 6 months after the date of enactment, i.e., May 29, 2000. This provision does not include applications that were filed prior to the date of enactment or even immediately after the date of enactment, but applications that were filed on or after the date that is 6 months after the date of enactment, see *Changes to Implement Patent Term Adjustment under Twenty-Year Patent Term*, 65 FR 56366 (Sept. 18, 2000) 1239 Off Gaz. Pat. Office Notices 14 (Oct. 3, 2000). [1]

The delay in the allowance and issuance is regrettable, but the Office has no authority to grant an extension or adjustment of the term due to administrative delays except as authorized by 35 U.S.C. § 154(b).

The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition. See 35 U.S.C. § 41 (a)(7). The required $200 fee for the request under 37 CFR 1.705 has been charged to Deposit Account No. 08-1391.

Telephone inquiries with regard to this communication should be directed to Mark O. Polutta at (571) 272-7709.

Mark Polutta
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner for Patent Examination Policy

[1] Sykes v. Dudas, 573 F.Supp 2d 191, 89 USPQ2d 1423 (D.D.C.2008).

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 9

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APR 16 2002

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1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004-2401

In re Application of:)
Steve Sheppard, et al.)
Application No.: 09/525,412)
Filed: March 15, 2000)
For: MEDIA INTERFACE DEVICE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the Request For Withdrawal As Attorney Or Agent filed March 8, 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**.

The following attorney have been withdrawn from the record: Thomas W. Krause

All future communications will continue to be directed to the address above.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4710

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LAWRENCE ROSENTHAL
STROCK & STROCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK, NY 10038

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OFFICE OF PETITIONS

ON PETITION

In re Application of
Hisashi Miyazawa
Application No. 09/525,477
Filed: March 15, 2000
Attorney Docket No. Q58280

This is a decision on the petition, filed May 7, 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 7, 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 Irvin Dingle at (703) 306-5684.

The file will be forwarded to Technology Center AU 2861 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
Office of the Deputy Commissioner
for Patent Examination Policy

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[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
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Paper No. 11

Eitan, Pearl, Latzer, & Cohen-Zedek
One Crystal Park, Suite 210
2011 Crystal Drive
Arlington, VA 22202-3709

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OFFICE OF PETITIONS

In re Application of
Murray Figov et al.
Application No. 09/525,579
Filed: July 24, 1998
Attorney Docket No. 0866/OE519
(P-844-US)
For: Imaging Apparatus for Exposing a
Printing Member and Printing Members
Therefor

: DECISION GRANTING PETITIONS

This is a decision on the letter dated March 3, 2000, which is being treated as a petition requesting that above-identified application be accorded a filing date of July 24, 1998. This is also a decision on the letter filed December 5, 2001, and supplemented on January 10, 2002, which is being treated as a petition to withdraw the holding of abandonment of the above-identified application.

The petition to accord the application a filing date of July 24, 1998 is granted.

The petition to withdraw the holding of abandonment is granted.

No petition fee has been paid and none is required.

The petition to accord the application a filing date was accompanied by, inter alia, copies of a transmittal letter (2 pages), a preliminary amendment (2 pages), a specification including claims and abstract (32 pages), and 7 sheets of drawings, and a postcard receipt acknowledging receipt in the USPTO on July 24, 1998 of these same items. In view of applicants' postcard receipt, it is concluded that complete applications papers were filed on July 24, 1998 and later misplaced in the Office. Accordingly, the application is entitled to a filing date of July 24, 1998.

As evidenced by applicants' postcard receipt, this application was initially assigned application No. 09/117,406. However, the official application number assigned to this application is application No. **09/525,579** since that is the number on the filing receipt. See MPEP 503.

The priority papers filed November 23, 1998, the "Power of Attorney and Revocation of Prior Powers by Assignee" filed March 22, 2000, and the "Change of Correspondence Address" filed December 27, 2001, which were addressed to application No. 09/117,406, have been removed from application No. 09/117,406 and placed in application No. 09/525,579. The other identifying information, such as first named inventor, title of invention, and attorney docket number on these papers clearly indicate that the papers were intended for application No. 09/525,579. Applicants are advised that all further correspondence for this application should be directed to application No. 09/525,579.

On April 19, 2000, a Notice to File Missing Parts was mailed requiring the statutory basic filing fee of $790, excess claim fee fees of $82 for one independent claim in excess of three, an executed oath or declaration, and the $130 surcharge for the late filing of the oath or declaration and filing fee. The Notice set a two month period for reply with extensions of time under 37 CFR 1.136(a) being available. The Notice was mailed to Darby & Darby at the address contained on the transmittal letter.

On January 11, 2001, a "Declaration and Power of Attorney for Patent Application" signed by the inventors, a "Power of Attorney and Revocation of Prior Powers by Assignee", and an assignment document were filed.

On October 25, 2001, a Notice of Abandonment was mailed to Eitan, Pearl, Latzer & Cohen-Zedek at the address contained in the Declaration and the Power of Attorney filed January 11, 2001. The Notice of Abandonment indicated that the reply received on January 11, 2001 was untimely.

On December 5, 2001, a letter was submitted by facsimile. In the letter, applicants state that the Notice to File Missing Parts was never received and that the Notice of Abandonment was believed to be in error. The letter was accompanied by a copy of the Power of Attorney filed January 11, 2001, a copy of applicants' stamped postcard receipt, and a copy of the Notice of Abandonment.

On January 10, 2002, a second letter regarding the Notice of Abandonment was submitted by facsimile.

The Notice to File Missing Parts should have been mailed to Eitan, Pearl, Latzer & Cohen-Zedek in view of the "Power of Attorney and Revocation of Prior Powers by Assignee" filed March 22, 2000.

Accordingly, the application is not abandoned in fact because applicants did not receive the Notice to File Missing Parts. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The "Change of Correspondence Address" filed December 27, 2001 has not been entered since it was signed by John L. Welsh, who is not an attorney of record. The attorneys of record are the attorneys named in the "Power of Attorney and Revocation of Prior Powers by Assignee" filed January 11, 2001.

The assignment document filed January 11, 2001 has been forwarded to Assignment Branch.

As noted above, a declaration was filed on January 11, 2001. The filing fees and the surcharge, however, have not yet been paid.

Applicants are given **TWO MONTHS** from the mail date of this decision to submit the following **required fees**: $790 basic filing fee, $82 for one independent claim in excess of three independent claims, and $130 surcharge for the late submission of the filing fee and/or declaration for a total balance due of $1002. Extensions of time under 37 CFR 1.136 are available. Failure to timely file the required fees will result in **abandonment** of the application. The response should be directed to Initial Patent Examination Division.

The application has already been processed with a July 24, 1998 filing date using the copy of the application papers supplied with the petition to accord the application a filing date.

The application is being forwarded to Initial Patent Examination Division to await the fees required above.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 306-5586.

Eugenia A. Jones

Eugenia A. Jones
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No. 21

Darby & Darby, P.C.
805 Third Avenue
27 Floor
New York NY 10022-7513

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MAY 1 9 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Figov, et al. :
Application No. 09/525,579 :
Filed: July 24, 1998 :
Attorney Docket No. 0866/OE519 :

This is a decision on the petition under 37 CFR 1.137(a), filed February 17, 2004, 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(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 timely submit a $790.00 basic filing fee, a $86.00 excess independent claim fee, and a surcharge for the late filing of the filing fee and/or declaration within an extendable two month period from the mail date of the September 27, 2002 petition decision. No timely reply was received by the Office. Accordingly, the above-identified application became abandoned on November 28, 2002. A Notice of Abandonment was mailed on October 23, 2003.

Petitioner asserts that the delay in responding to the requirement set in the September 27, 2002 petition decision was unavoidable because the attorneys of record did not inform petitioner of the requirements set in the September 27, 2002 petition decision.

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 ©) 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).

In the instant case, petitioner has failed to provide adequate evidence that the entire delay in responding to the requirements set in the September 27, 2002 petition decision was unavoidable. On January 11, 2001 an assignment from the inventors to Scitex Corporation Limited was recorded in the Office and Scitex Corporation Limited appointed members of the Eitan, Pearl firm to represent them. The September 27, 2002 petition decision was mailed to the attorneys of record at the Eitan, Pearl firm.

Petitioner asserts that the delay in fulfilling the requirements set in the September 27, 2002 petition decision was unavoidable because the attorneys of record did not inform Darby & Darby of the requirements set in the September 27, 2002 petition decision. It is noted that members of the Darby & Darby firm were not empowered until November 25, 2003.

The Office must rely on the actions or inactions of the duly authorized and voluntarily chosen representatives of the applicant, and the applicant is bound by the consequences of those actions or inactions. Link v. Wabash, 370 U.S. 626, 633-34 (1962). If the attorney made any errors,

petitioner is bound by such errors.[1]

The attorney must act reasonably and prudently.

> If [the] attorney somehow breach[es] his duty of care to plaintiff, then plaintiff may have certain other remedies available to him against his attorney. He cannot, however, ask the court to overlook [the attorney's] action or inaction with regard to the patent application. He hired the [attorney] to represent him. [The attorney's] actions must be imputed to him.[2]

The Seventh Circuit has stated,

> The other assumption is that, if the complainants failed in their application through the negligence of their attorney, the delay would be unavoidable, which is wholly unwarranted in the law. It is of the very nature of negligence that it should not be unavoidable, otherwise it would not be actionable. The negligence of the attorney would be the negligence of the [client]. The purpose of the statute was to put an end to such pleas, and there would be no limit to a renewal of these applications if every application, however remote, could be considered under the plea of negligence of attorneys, by whom their business is generally conducted.[3]

The United States Court of Appeals for the Federal Circuit has stated,

> If we were to hold that an attorney's negligence constitutes good cause for failing to meet a PTO requirement, the PTO's rules could become meaningless. Parties could regularly allege attorney negligence in order to avoid an unmet requirement.[4]

In determining whether a delay was unavoidable, one looks to whether the party in interest

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[1] See California Med. Products v. Technol Med. Products, 921 F. Supp. 1219, 1259 (D. Del. 1995) (citing Smith v. Diamond, 209 U.S.P.Q. 1091, 1093 (D.D.C. 1981) (citing Link v. Walbash Railroad Co., 370 U.S. 626, 8 L. Ed. 2d 734, 82 S. Ct. 1386 (1962))).

[2] Haines v. Quigg, 673 F. Supp. 314, 317, 5 U.S.P.Q. 2d (BNA) 1130 (citing Link v. Walbash Railroad Co., 370 U.S. 626, 8 L. Ed. 2d 734, 82 S. Ct. 1386 (1962) ("Petitioner voluntarily chose his attorney as his representative in the action and he cannot now avoid the consequences of the acts or omissions of this freely selected agent ... Each party is deemed bound by the acts of his lawyer-agent and is considered to have 'notice of all facts, notice of which can be charged upon the attorney.'" (emphasis added); Inryco, Inc. v. Metropolitan Engineering Co., Inc., 708 F.2d 1225, 1233 (7th Cir. 1983) ("Courts hesitate to punish a client for its lawyers gross negligence, especially when the lawyer affirmatively misled the client" but "if the client freely chooses counsel, it should be bound to counsel's actions."); see also Wei v. State of Hawaii, 763 F. 2d 370, 372 (9th Cir. 1985); LeBlanc v. I.N.S., 715 F.2d 685, 694 (1st Cir. 1983)). See also Smith v. Diamond, 209 U.S.P.Q. (BNA) 1091 (D. D.C. 1981).

[3] Lay v. Indianapolis Brush & Broom Mfg. Co., 120 F. 831, 836 (1903).

[4] Huston v. Ladner, 973 F.2d 1564, 1567, 23 U.S.P.Q.2D (BNA) 1910 (Fed. Cir. 1992).

In determining whether a delay was unavoidable, one looks to whether the party in interest exercised the due care of a reasonably prudent person at the time action was required. Ray, 55 F.3d at 609-609, 34 USPQ2d at 1787.

It is noted that an assignment from the Scitex Corporation Limited to KBK (Advanced Imaging Technology)(Israel)Limited was not recorded until November 10, 2003. Until that point, in the eyes of the Office, Scitex Corporation Limited was the assignee of record and Scitex Corporation Limited could do with the application as it saw fit.

The September 27, 2002 petition decision was mailed to the address of record – the Eitan, Pearl firm. The fact that the Eitan, Pearl firm was not diligent in responding to the requirements set in the September 27, 2002 is unfortunate. However, Eitan, Pearl attorneys/agents were properly empowered and it was their responsibility to respond timely to the September 27, 2002 petition decision. Their neglect is attributable to their client, Scitex Corporation Limited, which was the assignee of record when the application became abandoned.

The desires and diligence of the current assignee do not negate or supersede the inattention of the assignee of record and its empowered representatives at the time the application went abandoned.

ALTERNATIVE VENUE

The facts recited in the instant petition are those typically encountered in a petition to revive under an unintentional standard. Petitioner 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 $ 1,330.00 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).

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
ATTN: E. Shirene Willis

By hand: Crystal Plaza 1 Lobby
2011 South Clark Place
Room 1B03
Arlington, VA 22202
ATTN: E. Shirene Willis

By FAX: (703) 872-9306
ATTN: Office of Petitions – E. Shirene Willis

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
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. 24

Darby & Darby, P.C.
805 Third Avenue
27 Floor
New York NY 10022-7513

COPY MAILED

AUG 1 3 2004

OFFICE OF PETITIONS

In re Application of :
Figov, et al. :
Application No. 09/525,579 :
Filed: July 24, 1998 :
Attorney Docket No. 0866/OE519 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), to revive the above-identified application. The petition was filed on June 17, 2004.

The above-identified application became abandoned for failure to timely submit a $790.00 basic filing fee, a $86.00 excess independent claim fee, and a surcharge for the late filing of the filing fee and/or declaration within an extendable two month period from the mail date of the September 27, 2002 petition decision. No timely reply was received by the Office. Accordingly, the above-identified application became abandoned on November 28, 2002. A Notice of Abandonment was mailed on October 23, 2003. Applicants' petition under 37 CFR 1.137(a), filed February 17, 2004, was dismissed on May 19, 2004 for failure to show the entire delay in responding to the September 27, 2002 petition decision was unavoidable.

Applicants have submitted a reply in the form of filing fees and a surcharge for the late filing of the basic filing fee, an acceptable statement of the unintentional nature of the delay in responding to the September 27, 2002 petition decision, and the petition fee.

The petition under 37 CFR 1.137(b) is **GRANTED**.

After the mailing of this decision the application will be forwarded to the Office of Initial Patent Examination for further processing.

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
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 : December 29, 2006

Patent No. : 6,989,854
Inventor(s) : Muray Figov, et al.
Issued :January 24, 2006
Title :IMAGING APPARATUS FOR EXPOSNG A RPINTING MEMBER AND
:PRINTING MEMBERS THEREFOR

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 37 CFR 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 Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

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: 571-273-8300
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.

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9380 ext- 123

Katten, Muchin, Zavis Rosenman
585 Madison Avenue
New York, New York 10022-2585

CBN/arg

DO NOT SCAN! **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3-21-06

TO SPE OF : ART UNIT 2600

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/525615 Patent No.: 6853690 B1

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

E. James
Certificates of Correction Branch
703-308-9390 ext. _____

Drawings to be replaced.

Thank You For Your Assistance Thanks

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 corrections are necessary in order to correct the Office's errors.

[signature]
SPE

2611
Art Unit

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 11-26-07

Paper No.: _____

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction for Appl. No. 6853690 (09/525615)

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**.

Please response A/S/A/P. Attorney & Applicant want to know the status

E M James

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.

- ☐ **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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paul John Griffiths
3, Arrowcroft Road
Guilden Sutton
Chester, Cheshire
CH3 7EL, United Kingdom

COPY MAILED

JUN 0 4 2003

OFFICE OF PETITIONS

In re Application of
Paul John Griffiths
Application No. 09/525,741
Filed: March 14, 2000
For: AIR SPRING

Dear Mr. Griffiths:

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(b), 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 B. Dayoan at (703) 308-3865 or, in her absence, to the undersigned at (703) 305-1820. 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).

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: David L. Wisz
400 West Maple Road
Suite 350
Birmingham, MI 48009

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. 15

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JUN 0 4 2003

OFFICE OF PETITIONS

David L. Wisz
400 West Maple Road
Suite 350
Birmingham, MI 48009

In re Application of
Paul John GRIFFITHS
Application No. 09/525,741
Filed: March 14, 2000
Attorney Docket No. 60130-391

DECISION GRANTING STATUS

UNDER 37 CFR 1.47

This is in response to the "Petition Under 37 CFR 1.47(b)", filed July 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 after having been presented with the application papers. Specifically, the statement of facts of David L. Wisz establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration. In addition, petitioner has shown that Meritor HVS Limited has a proprietary interest in the above-identified application with the copy of the employment agreement showing that the inventor had an obligation to assign any patent rights to Meritor HVS Limited. The petition fee has been paid on July 6, 2000. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and demonstrated that petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status and the Office of Initial Patent Examination is authorized to

(1) accept this application under Rule 1.47(b);

(2) process this application with the inventor being Paul John Griffiths and with the indication that the application was filed by Meritor HVS, Limited as the party in interest under 35 USC §118, using the declaration filed on July 6, 2000, as noted above.

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 Declaration. Notice of the filing of this application will also be published in the Official Gazette.

This application is being returned to Technology Center 3600 for further examination on the merits.

Inquiries regarding this communication may be directed to B. Dayoan at (703) 308-3865 or, in her absence, to the undersigned at (703) 305-1820.

Brian Hearn
Senior Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

#18
DW

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MAY 21 2004

MAILED
MAY 21 2004
OFFICE OF THE DIRECTOR
TC 3600

CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

In re Application of
Paul John Griffiths
Application No. 09/525,741
Filed: March 14, 2000
For: AIR SPRING

DECISION ON PETITION
TO WITHDRAW THE
HOLDING O ABANDONMENT

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 October 1, 2003.

The petition is **DISMISSED**.

A review of the file record indicates this application was held abandoned on September 29, 2003 for failure to timely file an appeal brief after having filed a Notice of Appeal on December 7, 2001. A notice to that effect was mailed to applicant on September 29, 2003.

The applicant claims that an Appeal Brief was sent by facsimile on February 7, 2002 and was received by the Office even though it was sent to an incorrect facsimile number (703-872-9372). This is because applicant's facsimile transmission confirmation report shows that it was received.

A review of the file indicates that the Office did not receive the Appeal Brief allegedly sent on February 7, 2002 and no indication was given by the Office to applicant acknowledging receipt of the transmission. Indeed this is because the Appeal Brief was sent to an incorrect facsimile number.

The copy of the Appeal Brief submitted with the petition includes a Certificate of Transmission dated February 7, 2002.

Any petition to withdraw the holding of abandonment based upon a Certificate of Transmission by facsimile must include the following requirements:

(1) A copy of the original response bearing a signed Certificate of Transmission which includes the date of signing; and

(2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the *original* response on the date indicated on the Certificate of Transmission (see 37 CFR 1.8 and MPEP 512).

While meeting requirement (1) above the petition fails, under requirement (2), to also include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the *original* response by facsimile transmission on the date indicated on the certificate, by the person who signed the certificate.

Further, the copy of the facsimile confirmation/transmittal page having the February 7, 2002 date cannot be relied upon as proof of timely filing the response. See section 512 of the MPEP.

All future correspondence to be sent by facsimile transmission should be sent to the Central Fax location at 703-872-9306.

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."

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Randolph Reese at (703) 308-2121.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(703) 308-2121

RAR/cps 5/19/04

#23
DW

UNITED STATES PATENT AND TRADEMARK OFFICE

AUG - 2 2003

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Carlson, Gaskey & Olds, P.C.
400 West Maple Road
Suite 350
Birmingham, MI 48009

MAILED

AUG 2 2004

OFFICE OF THE DIRECTOR
TC 3600

In re Application of
Paul John Griffiths
Application No. 09/525,741
Filed: March 14, 2000
For: AIR SPRING

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in reply to applicant's renewed petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office on July 7, 2004.

The petition is **GRANTED** in view of the following evidence of timely filing :

☐ Postcard receipt being dated_____.

☐ USPTO return facsimile receipt dated _____ which identifies the application by serial number and the type of Response that was filed on that date.

☒ Certificate of Mailing/Transmission signed on February 7, 2002. and supported by a statement under 37 C.F.R. 1.8(b)(3).

☐ Hand Delivery Receipt of the specific documents submitted dated _____.

☐ Certificate of Transmission of CPA under 37 C.F.R. 1.6 filed on _____.

☐ Express Mail Receipt under 37 C.F.R. 1.10 dated _____.

This application is being forwarded to the Supervisory Legal Instruments Examiner for entry of the response filed with the petition, then to the examiner for prompt action on the response.

SNM/vdb: 7/26/04

STEVEN N. MEYERS
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 3600

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)
6651190	2003-11-18	09525776	2000-03-14	

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	/Christian B. Worley/	Date (YYYY-MM-DD)	2008-01-23
Name	Christian B. Worley		

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. 6651190
Issue Date: November 18,2003
Application No. 09525776
Filed: March 14,2000
Attorney Docket No. T8504

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

This is a decision on the electronic petition, filed March 26,2008 ,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 March 26,2008 . 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

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

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OCT 2 5 2007

OFFICE OF PETITIONS

In re Application of	:	
Athanasius A. Anagnostou et al.	:	
Application No. 09/525,797	:	DECISION GRANTING PETITION
Filed: March 15, 2000	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 5218-39B	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 16, 2007, 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 May 23, 2007 cannot be refunded. If, however, this 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 Terri Williams at (571) 272-2991.

This application is being referred to Technology Center AU 1642 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
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 Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

BEST AVAILABLE COPY

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/11/06

TO SPE OF : ART UNIT 1652

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/525867 Patent No.: 6911420

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**.

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.

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

Comments: _____

A Chatterjee PDS
SPE

1652
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
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Michael J. Mallie
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard 7th Floor
Los Angeles CA 90025

COPY MAILED
OCT 3 0 2006
OFFICE OF PETITIONS

In re Application of :
Jonathan J. Hull :
Application No. 09/526,031 : DECISION ON PETITION
Filed: March 15, 2000 :
Attorney Docket No. 74451.P114 :

This is a decision on the petition under 37 CFR 1.181, filed May 3, 2006, to withdraw the holding of abandonment for the above-identified application.

On May 17, 2005, the Office mailed a final Office Action, which set a three-month shortened statutory period for reply. In the absence of a timely filed response, the application was held abandoned on August 18, 2005. A Notice of Abandonment was mailed on January 19, 2006.

In the present petition, the practitioner asserted that he did not receive the final Office action. The practitioner stated that a search of the file jacket and docket records was conducted; however, there was no evidence of receipt of the Office action. A copy of the firm's docket report for this application accompanies the present petition. Moreover, the practitioner indicated the USPTO mailed the final Office action to an incorrect correspondence address, 21400 Wilshire Boulevard, 7th Floor, instead of 12400 Wilshire Boulevard, 7th Floor. The practitioner stated the correct mailing address was submitted on filing the present application. Therefore, applicant requests the withdrawal of the Notice of Abandonment.

A review of the record indicates that the correspondence address indicated on filing the application was 12400 Wilshire Boulevard, 7th Floor. Unfortunatley, the USPTO incorrectly entered the correspondence address of record. Therefore, the final Office action was mailed to an incorrect address. It is obvious from the record that the practitioner did not receive the final Office action of May 17, 2005.

The Office has corrected the correspondence address and made it of record. A corrected filing receipt accompanies this decision. Additionally, the Office acknowledges receipt of the response to the final Office action in the form of an RCE and a submission, and the payment of the requisite fees.
The petition under 37 CFR 1.181 is **GRANTED**. No petition fee is required.

This matter is being forwarded to the Technology Center Art Unit 2176.

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

Christina L. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected Filing Receipt

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
09/526,031	03/15/2000	2176	1402	74451.P114	7	43	4

CONFIRMATION NO. 9293

CORRECTED FILING RECEIPT

OC000000021018966

Michael J Mallie
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard 7th Floor
Los Angeles, CA 90025

Date Mailed: 10/30/2006

Receipt is acknowledged of this regular 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 mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Jonathan J. Hull, San Carlos, CA;
Michael Baxter, Sunnyvale, CA;

Power of Attorney:

Stanley Sokoloff--25128
Edwin Taylor--25129
Roger Blakely Jr--25831
Norman Zafman--26250
Eric Hyman--30139
James Scheller Jr--31195
Lester Vincent--31460
Maria Sobrino--31639
William Kidd--31772
George Hoover II--32992

Domestic Priority data as claimed by applicant

Foreign Applications

If Required, Foreign Filing License Granted: 05/18/2000

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US09/526,031

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

Title

Multimedia document annotation

Preliminary Class

715

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Paper No. 33

ROSS J. OEHLER
AVENTIS PHARMACEUTICALS INC.
ROUTE 202-206
MAIL CODE: D303A
BRIDGEWATER NJ 08807

COPY MAILED

MAR 2 4 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Kun Guo et al :
Application No. 09/526,043 :
Filed: March 14, 2000 :
Attorney Docket No. A3278A-US :

This is a decision on the petition, filed March 23, 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 December 18, 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 1642 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

---

[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).

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)
6,415,082	2002-07-02	09/526,091	2000-03-15	13474.112002

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 J. Mayberry/	Date (YYYY-MM-DD)	2010-07-30
Name	James J. Mayberry	Registration Number	55438

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
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In re Patent No. 6415082
Issue Date: July 2,2002
Application No. 09526091
Filed: March 15,2000
Attorney Docket No. 06948.105009

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

This is a decision on the electronic petition, filed July 30,2010 ,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 30,2010 .
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. 8

MAIL

APR 16 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

COVINGTON & BURLING
1201 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004-2401

In re Application of:
Steven Sheppard, et al.
Application No.: 09/526,100
Filed: March 15, 2000
For: OPTICAL CONVERSION DEVICE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney of record filed March 8, 2002.

The request is **GRANTED.** Thomas W. Kraus, the requesting attorney, is withdrawn from record.

The correspondence address has not been changed.

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

OIPE JC48
OCT 1 5 2003
PATENT & TRADEMARK OFFICE

Paper No.

COVINGTON & BURLING
ATTN: PATENT DOCKETING
1201 PENNSYLVANIA AVENUE, N.W.
WASHINGTON, DC 20004-2401

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OCT 2 2 2003
Technology Center 2600

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JUL 3 1 2003
OFFICE OF PETITIONS

In re Application of	:	
Steve Sheppard et al	:	
Application No. 09/525,488	:	ON PETITION
Filed: March 15, 2000	:	
Attorney Docket No. 6019.3022	:	

This is a decision on the petition, filed July 30, 2003, 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 for express abandonment in favor of a continuing application No. 10/443,744. See 37 CFR 1.313(c)(3).

The application is hereby withdrawn from issue, and the abandonment is hereby recognized.

Telephone inquiries should be directed to Irvin Dingle at (703) 306-5684.

The application is being forwarded to Files Repository.

Irvin Dingle
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
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/526,193	03/15/2000	Michael R. Hayden	50110/002005	9414

7590 07/09/2003

ALAN J. GRANT, ESQ.
c/o CARELLA, BYRNE, BAIN, GILFILLAN, CECCHI
STEWART & OLSTEIN
6 BECKER FARM ROAD
ROSELAND, NJ 07068

EXAMINER
STEADMAN, DAVID J

ART UNIT	PAPER NUMBER
1652	

DATE MAILED: 07/09/2003

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

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

Paper Number 32

In re Application of: :
M. R. Hayden et al :
Serial No. 09/526,193 : DECISION ON PETITION
Filed: 15 March, 2000
Title: METHODS AND REAGENTS FOR MODULATING CHOLESTEROL LEVELS.

This is a decision on the request to change inventorship under 37 CFR 1.48(a) filed May 23,2003.

The petition has been reviewed and it is found to be in compliance with the requirements as set forth in 37 CFR 1.48(a). Accordingly, the petition is granted.

PETITION GRANTED.

Ponnathapura N. Achutamurthy
Supervisory Patent Examiner
Art Unit 1652

Alan J. Grant Esq.
CARELLA, BYRNE, BAIN, GILFILLAN,
CECCHI, STEWART & OLSTEIN
6 Becker Farm Road
Roseland, NJ 07068

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No. 37

DATE : 7-7-04

TO SPE OF : ART UNIT 1600

SUBJECT : Request for Certificate of Correction on Patent No.: 6617122

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.

Please check reconsideration

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:

All changes are approved except the change to column 43, line 16 to change "C for Tat" to "C for A at," which would appear to introduce new matter into the specification. It is noted that applicants provide no explanation for this change and it is not obvious why such change is requested.

SPE

1652
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark O

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,617,122 B1
DATED : September 9, 2003
INVENTOR(S) : Michael R. Hayden and Angela R. Brooks-Wilson

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 [75], Inventors, delete "**Simon N. Pimstone**, Vancouver (CA)".

Column 9,
Line 18, delete "questions" and insert therefor -- question --.
Line 37, delete "YAC" and insert therefor -- YACs --.

Column 17,
Line 48, delete "429433" and insert therefor -- 429-433 --.

Column 20,
Line 67, delete "Arterioscier" and insert therefor -- Arterioscler --.

Column 31,
Line 42, delete "trails" and insert therefor -- trials --.

Column 32,
Line 54, delete "an" and insert therefor -- a --.

Column 33,
Line 37, delete "a".

Column 38,
Line 61, delete "a".

Column 40,
Line 41, delete "or" and insert therefor -- for --.

Column 42,
Line 34, delete "an" and insert therefor -- a --.
Line 51, delete "some these" and insert therefor -- some of these --.

Column 43,
Line 8, delete "α" and insert therefor -- a --.
Line 16, delete "Cfor Tat" and insert therefor -- C for A at --.
Lines 21 and 41, delete "ofA" and insert therefor -- of A --.
Lines 32 and 37, delete "Cfor" and insert therefor -- C for --.

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,617,122 B1
DATED : September 9, 2003
INVENTOR(S) : Michael R. Hayden and Angela R. Brooks-Wilson

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

Column 44,
Line 6, delete "Cat" and insert therefor -- C at --.
Line 15, delete "ofGforA" and insert therefor -- of G for A --.
Line 21, delete "Gfor" and insert therefor -- G for --.

Column 209,
Line 30, delete "ABC1 (ABC1)" and insert therefor -- ATP Binding Cassette Transporter 1 (ABC1) --.

Column 210,
Line 47, delete "mammal" and insert therefor -- human --.

Column 211,
Line 4, delete "mammalian" and insert therefor -- human --.
Line 14, delete "ABC1 polypeptide" and insert therefor -- human ABC1 protein --.
Line 20, delete "includes ABC1" and insert therefor -- includes an ABC1 --.

Column 212,
Line 8, delete "identifyinc" and insert therefor -- identifying --.
Line 43, delete "SED" and insert therefor -- SEQ --.

Signed and Sealed this

Sixth Day of December, 2005

Jon W. Dudas

JON W. DUDAS
Director of the United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,617,122 B1
DATED : September 9, 2003
INVENTOR(S) : Michael R. Hayden and Angela R. Brooks-Wilson

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 [75], Inventors, delete "**Simon N. Pimstone**, Vancouver (CA)".

Signed and Sealed this

Twenty-seventh Day of September, 2005

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
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Alexandria, VA 22313-1450
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dss

Mailed:

In re application of	:	
Bernt Torkildsen et al.	:	DECISION ON
Serial No.09/526,317	:	PETITION
Filed: March 15, 2000	:	
For: FLUID SEPARATION SYSTEM	:	SEP 2 9 2005

This is a response to the PETITION TO WITHDRAW NOTICE OF ABANDONMENT originally filed September 22, 2003 and resubmitted April 05, 2005. The petition requests that the abandonment, as set forth in the Notice of Abandonment of September 11, 2003, for failure to timely file a proper reply to the Office letter mailed on February 13, 2003 be withdrawn. The petitioner asserts that a timely response was filed on May 13, 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 USPTO application file reveals that applicant's response was properly filed on May 13, 2003 in view of the fact that the originally filed papers having a Patent and Trademark Office date stamp of May 13, 2003 thereon have been located in the USPTO application file. Accordingly, any holding of abandonment is hereby vacated, and the application has been returned to pending status.

The application shall be forwarded to the examiner for processing and consideration of the papers filed May 13, 2003.

The Petition is **GRANTED**.

Jacqueline M. Stone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

PATTERSON, THUENTE, SKAAR, & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH EIGHTH STREET
MINNEAPOLIS, MN 55402-2100

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Paper No. 25

Mark J. Buonaiuto, Esq.
Baxter International Inc.
Law Department
One Baxter Parkway Df2 2E
Deerfield, IL 60015

COPY MAILED

OCT 15 2004

OFFICE OF PETITIONS

In re Application of	:	
Lecon Woo, et al.	:	
Application No. 09/526,379	:	ON PETITION
Filed: March 16, 2000	:	
Attorney Docket No. 1417Y P 418	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 10, 2004, to revive the above-identified application.

The petition is **GRANTED**.

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(a), the signature of Robert Barrett 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. Barrett desires to receive future correspondence regarding this application, the 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 regarding this application file will be directed solely to the address of record until otherwise instructed.

It is not apparent whether the person signing the statement of unintentional delay, namely Robert Barrett, 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 submitting a timely reply to the outstanding office action under 37 CFR 1.137(b) was intentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.

The application file is being forwarded to Technology Center 1700 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Robert M. Barrett
BELL, BOYD & LLOYD, LLC
P. O. Box 1135
Chicago, IL 60690-11135

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK NY 10022-2585

In re Application of
Hideki Yamao
Application No. 09/526,391
Filed: March 16, 2000
For: **PORTABLE TELEPHONE MAINTENANCE SERVICE SYSTEM AND MAINTENANCE SERVICE METHOD**

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the Petition To Withdraw Holding of Abandonment July 21, 2005, pursuant to MPEP §711.03(c) and 37 C.F.R. § 1.181. No fee is required.

This application became abandoned due to failure to timely file the a response to the final Office action mailed December 29, 2004. A Notice of Abandonment was mailed July 19, 2005.

Petitioner asserts that the final Office action mailed December 29, 2004 was never received. In support thereof, petitioner has provided a personal statement, copy of docket records and a copy of their file jacket information.

The showing required to establish the failure to receive 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 non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received", 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c), section II. 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.

Petitioner has satisfied the requirements set forth above. Accordingly, the petition is **GRANTED.**

The holding of Abandonment is hereby withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of the change of address submitted with the subject petition and re-mailing and restart the time period for response to the final Office action originally mailed December 29, 2004.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 7

Barbara J. Luther
Sierra Patent Group, Ltd.
P.O. Box 6149
Stateline, NV 89449

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OFFICE OF PETITIONS

In re Application of
Shytle Sanberg, et al.
Application No. 09/526,403
Filed: March 15, 2000
Attorney Docket No. LAY-003CID

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 26, 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 Notice To File Missing Parts Of Non-Provisional Application mailed January 16, 2001. 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 March 17, 2001.

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 Office of Initial Patent Examination for further processing.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Sherry Brinkley
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

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WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
ATTN: PATENT DOCKETING 32ND FLOOR
P.O. BOX 7037
ATLANTA GA 30357-0037

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SEP 25 2006

OFFICE OF PETITIONS

In re Patent No. 6,979,698 :
Issue Date: December 27, 2005 :
Application No. 09/526,403 : ON PETITION
Filed: March 15, 2000 :
Docket No. TARG-001CID :

This is a decision on the request for issuance of a certificate of correction to issue in the name of "University of South Florida, Tampa, FL" in place of "Targacept, Inc., Winston-Salem, NC," filed August 15, 2006.

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 (accompanied by the fee set forth in § 1.20(a)) and the processing fee set forth in § 1.17 (i) of this chapter.

The instant petition has been reviewed and found to comply with the requirements of 37 CFR 3.81(b). According, the instant petition is hereby **GRANTED**.

This application is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Paper No. 8

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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AUG 27 2002

OFFICE OF PETITIONS

In re Application of
Atsushi Tanaka et al.
Application No. 09/526,463
Filed: March 16, 2000
Attorney's Docket No. 862.C1861

ON PETITION

This is a decision on the petition filed April 30, 2002 under 37 CFR 1.182, to vacate the previous claim for priority.

It should be noted that 37 CFR 1.182 is reserved for situations not specifically provided for in the regulations. Pursuant to 35 USC 1.119 and 37 CFR 1.63, the requirement is that the claim for priority be made in the oath or declaration during the pendency of the application.

Since petitioner has supplied a substitute declaration correctly identifying the Japanese application for which priority is claimed and a claim for priority, there is no need for a petition and the action requested is not necessary.

Accordingly, the petition under 37 CFR 1.182 is **DISMISSED AS MOOT**. The petition fee in the amount of $130.00 will be credited back to deposit account no. 06-1205.

This application is remanded to Technology Center 2600 for further examination.

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
Office of the Deputy Commissioner
for Patent Examination Policy

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United States Patent and Trademark Office
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NV

December 2004

Robinson Intellectual Property Law Office
PMB 955
21010 Southbank Street
Potomac Falls, VA 20165

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TECHNOLOGY CENTER 2800

In re Application of:
Hongyong Zhang et al.
Serial No.: 09/526,486
Filed: March 15, 2000
Attorney Docket No.: 0756-2096

DECISION TO MAIL A NEW NOTICE OF ALLOWANCE

This is a decision to mail a new Notice of Allowability and a new Notice of Allowance and Fee(s) Due (hereinafter "Notices") for the above-mentioned application. The original "Notices" were mailed on June 29, 2004.

A review of the application file indicates that the original "Notices" were mailed to an incorrect address due to an incorrect Serial Number being listed on the transmittal form of a request for change of corresondence address filed on May 16, 2003 by another attorney/agent. The transmittal form listed the Serial Number of the present application instead of Serial Number 09/526,485 as intended. This resulted in a change of correspondence address in the present application that is clearly in error.

The review of the application file also indicates that a proper request for change of correspondence address was filed by the attorney of record for the present application on September 24, 2002. This request for change of correspondence address was not acted upon as of yet. The request asked that the correspondence address be changed to Customer Number 31780. The address listed above is the current correspondence address associated with Customer Number 31780.

Accordingly, the correspondence address of the present application will be changed to the correspondence address associated with Customer Number 31780 and new "Notices" will be mailed to the new correspondence address. The mailing of a new Notice of Allowance and Fee(s) Due will start a new three month statutory period for payment of the Fee(s) Due as of the mail date of the new Notice of Allowance and Fee(s) Due.

The request for change of correspondence address referred to above that was filed on May 16, 2003 will be removed from the present application file and will be associated with the correct application file.

Any inquiries regarding this decision should be directed to Edward Westin at (571) 272-1638.

Sharon A. Gibson, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No. 27

JAMES E. LEDBETTER ESQ.
STEVENS DAVIS MILLER AND MOSHER LLP
1615 L STREET NW SUITE 850
PO BOX 34387
WASHINGTON DC 20043-4387

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OFFICE OF PETITIONS

In re Application of
Fedida et al
Application No. 09/526,547
Filed: March 16, 2000
Attorney Dck't. No. JEL-31040:

: ON PETITION

This is a decision on the petition filed January 12, 2004, under 37 CFR 1.183 seeking waiver of the rules.

The petition under 37 CFR 1.183 is **dismissed**, *subject to renewal as indicated below.* Any renewed petition must be captioned "Renewed Petition under 37 CFR 1.183 for Waiver of 37 CFR 1.193" and must be filed within **TWO MONTHS** of this mailing. See 37 CFR 1.181(f). Extensions of time are not permitted under 37 CFR 1.136(a) or (b).

Petitioner seeks waiver of the rules to permit entry of the concurrently filed: (1) Reply Brief, and (2) a Request for Oral Hearing, both being untimely under their respectively governing rules (*i.e.*, 37 CFR 1.193; § 1.194). Petitioner acknowledges receipt of the Examiner's Answer of October 20, 2003, but asserts that through inadvertent clerical error, the due dates for timely filing the aforementioned documents were not entered in counsel's docketing system.

Normally, delay caused by clerical inadvertence or error is not an adequate basis for requesting waiver of the regulations. See In re Kabushiki Kaisha Hitachi Seisakusho, 39 USPQ2d 1319, 1320 (Comm'r Pat. 1994). As there is no requirement for the timely submission of a Reply Brief, to avoid the abandonment of an application, the failure to timely submit such an amended reply brief has not resulted in the abandonment of this application. Accordingly, this application is not abandoned, and the provisions of 37 CFR 1.137(b) do not apply in this instance. Nevertheless, it is appropriate to apply the principles thereof to the situation at issue.

Petitioner may wish to consider renewing the petition under 37 CFR 1.183 and requesting that the Director waive the timeliness requirement of 37 CFR 1.183 and accept the delayed Reply Brief as if timely filed on the grounds that the delay was unintentional.[1]

A petition requesting acceptance of a delayed Reply Brief on the grounds of unintentional delay must be filed promptly and such petition must be accompanied by (1) by the amended reply brief, unless previously filed, (2) the petition fee set forth in 37 CFR 1.17(m), and (3) a statement that the "delay was unintentional."

---

[1] It is brought to petitioner's attention that 37 CFR 1.183 sets forth that waiver of the rules is "subject to such other requirements as may be imposed."

Petitioner should note that such will only remedy the belated Reply Brief, and will not remedy the question as to whether the Board of Patent Appeals and Interferences will accept the untimely Request for Oral Hearing. That is, per MPEP 1002.02(f), ¶ 4(b) the Chief Administrative Patent Judge of the Board of Patent Appeals and Interferences (BPAI), or his designee, has the delegated authority to waive any rule in any matter before the BPAI. As such, and considering that the request for Oral Hearing under 37 CFR 1.194 is a matter more directly relating to superintending the functions of the BPAI, it would not be appropriate for this office to concurrently intrude upon the jurisdiction of the BPAI and decide the request for waiver of 37 CFR 1.194. Rather, such request should be re-presented as a separate paper and petition addressed to the BPAI, along with the renewed petition for waiver of 37 CFR 1.193, which this Office can decide.

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: 2011 South Clark Place
Crystal Plaza Two, Lobby
Room 1B03
Arlington, VA 22202

By FAX: (703) 872-6906
ATTN: Office of Petitions

Telephone inquiries relative to this decision should be directed to the undersigned at (703) 305-1820.

Brian Hearn

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2100

Paper No. 7

CLIFFORD CHANCE ROGERS & WELLS LLP
200 PARK AVENUE
NEW YORK , NY 10166

In re Application of : Robert S. Mancini et al.
Application No. 09/526,606
Filed: March 16, 2000
For: ONLINE SALES RISK MANAGEMENT SYSTEM

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition, filed September 13, 2001, to make the above-identified application special. Based on the content of the petition it is being treated as a petition under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);

(B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status...;

(C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

(D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission is deficient in that it does not comply with (B) and (E) above. With respect to (B), while the petition states that all claims are directed to a single invention, no statement is found regarding making an election without traverse if the claims are not directed to a single invention. With respect to (E), while applicant discusses the content of the references and argues that they do not disclose certain features, this discussion does not cover all of the pending independent claims. The assertion that various patents do not disclose "implementing a predetermined currency price for on-line sales which are transacted within a predetermined time period" does not cover claim 23 for example which has neither a predetermined time period nor a transaction.

Accordingly, the Petition is **DENIED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.

Robert A. Weinhardt
Special Program Examiner
Technology Center 2100
Computer Architecture, Software,
& Electronic Commerce
703-305-9780

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2100

Paper No. 10

CLIFFORD CHANCE ROGERS & WELLS LLP
200 PARK AVENUE
NEW YORK , NY 10166

In re Application of : Robert S. Mancini et al.
Application No. 09/526,606
Filed: March 16, 2000
For: ONLINE SALES RISK MANAGEMENT SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the request for reconsideration, filed January 23, 2002, from the decision mailed October 11, 2001 regarding the petition filed September 13, 2001 to make the above-identified application special. Based on the content of the petition it is being treated as a petition under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);

(B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status...;

(C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

(D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Based on the certificate of mailing, the request for reconsideration is seen as timely. Applicant's submissions filed September 13, 2001 and January 23, 2002 together meet all the criteria set forth above and the petition is **GRANTED**.

The application file is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. §708.02. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. §1309.

Robert A. Weinhardt
Special Program Examiner
Technology Center 2100
Computer Architecture, Software,
& Electronic Commerce
703-305-9780

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KATTEN MUCHIN ROSENMAN LLP
575 MADISON AVENUE
NEW YORK NY 10022-2585

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OFFICE OF PETITIONS

In re Application of	:	
YAMORI et al.	:	
Application No. 09/526,619	:	DECISION ON APPLICATION
Filed: March 16, 2000	:	FOR
Atty Docket No. FUJH 16.870	:	PATENT TERM ADJUSTMENT

This is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705," filed May 16, 2008. Applicants, in effect, request that the determination of patent term extension of 847 days in this application be corrected to a determination of patent term adjustment of 1,294 days.

The petition is **DISMISSED**.

On February 19, 2008, the Office mailed the Determination of Patent Term Extension under 35 U.S.C. § 154(b)(application filed after June 7, 1995 but prior to May 29, 2000) in the above-identified application. The Notice stated that the patent term extension to date is 847 days. Applicants assert they are entitled to a period of adjustment of 1,294 days.

The Patent Term Guarantee Act of 1999 amended 35 U.S.C. § 154 to include § 154(b), which provides for adjustment of patent term due to examination delay. The provisions of § 154(b) related to adjustment of patent term due to administrative delays apply only to original applications, other than designs, filed on or after May 29, 2000. Furthermore, the provisions do not apply to a request for continued examination (RCE) filed under 35 U.S.C. § 132(b) and 37 CFR 1.114 because a RCE is not a new application (it is a submission in a previously filed application). Thus, the filing an RCE in an application filed before May 29, 2000,

does not cause that application to be entitled to the benefits of the patent term adjustment provisions of 35 U.S.C. § 154(b) and 37 CFR 1.702 through 1.705.

As the filing date of this application, March 16, 2000, is before May 29, 2000, this application is not eligible for patent term adjustment due to examination delay.

The $200.00 fee set forth in 37 CFR 1.18(e) will be charged to the Deposit Account as authorized.

The application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries with regard to this matter should be directed to Senior Petitions Attorney, Christina Tartera Donnell, at (571) 272-3211.

Kery A. Fries

Kery A. Fries
Senior Legal Advisor
Office of Patent Legal Administration
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
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MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

Mail Date: 04/23/2010

Applicant	: Andrew Lo	: DECISION ON REQUEST FOR
Patent Number	: 7599876	: RECALCULATION of PATENT
Issue Date	: 10/06/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 09/526,633	: OF WYETH
Filed	: 03/15/2000	:
		:

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.

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Paper No. 6

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

MAIL

JAN 0 5 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
MING-KING "MAX" LIU
Application No. 09/526,646
Filed: March 15, 2000
For: AUTOMATIC DATA CPU LOAD REDUCTION IN A HOST-SIGNAL PROCESSING (HSP) BASED ADSL MODEM

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of record filed on July 23, 2003.

A grantable request to withdraw as attorney/agent of record must do the following:
(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 met all of the above. Accordingly, the request is **GRANTED**.

All of the attorneys/agents associated with Customer Number 20350 have been cancelled.

All future communications from the Office will be directed to the address listed below until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office of any change in correspondence address to ensure receipt of all communications from the Office.

Kenneth Wieder
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4710

cc: Ming-Kang Liu
Integrated Telecom Express
10121 Miller Ave., Suite 202
Cupertino, CA 95014

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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Paper No. 9

John E. Nemazi
Brooks & Kushman
1000 Town Center
Twenty-Second Floor
Southfield, MI 48075

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JAN 0 8 2003

OFFICE OF PETITIONS

In re Application of :
Michael A. Lueck et al. :
Application No. 09/526,651 : ON PETITION
Filed: March 15, 2000 :
Attorney Docket No. MIC 0108 PUS :

This is a decision on the petition under 37 CFR 1.137(b), filed July 23, 2002, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before March 18, 2002. Acordingly, the application became abandoned on June 19, 2002.

This application is being forwarded to the Publishing Division.

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
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Alexandria, VA 22313-1450
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Tod R Nissle Esq
Tod R Nissle PC
P O Box 55630
Phoenix AZ 85078

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SEP 1 4 2006

OFFICE OF PETITIONS

In re Application of	:	
Curry	:	DECISION
Application No.: 09/526,777	:	
Filing Date: March 16, 2000	:	ON PETITION UNDER
Docket No.: 1019-P-1	:	
For: Animal Toy	:	37 CFR 1.137(b)

This is a decision on Petition Under 37 CFR 1.137(b), filed on March 18, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed March 18, 2003, which set a shortened statutory period for reply of three (3) months. The application went abandoned at midnight on September 18, 2003. A Notice of Abandonment was mailed on October 20, 2003.

Petitioner has met the requirements for revival under §1.137(b). Petitioner submitted the reply in the form of an amendment, paid the petition fee and made the statement that "the entire delay in filing the required reply to the outstanding Office Action in the application was unintentional." This is being construed as 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 notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Since this utility application was filed after June 8, 1995, no terminal disclaimer is required. Accordingly, the petition is granted under §1.137(b).

This application is being referred to Technology Center 3644 for continued processing.

George M. Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
on behalf of
Office of Petitions
Telephone: 571-272-3283
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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TEXAS INSTRUMENTS INCORPORATED
P O BOX 655474, M/S 3999
DALLAS, TX 75265

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JUL 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Timothy M. Schmidt, et al. :
Application No. 09/526,930 : ON PETITION
Filed: March 16, 2000 :
Attorney Docket No. TI-30734 :

This is a decision in response to the petition under 37 CFR 1.137(b), filed March 26, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to file a complete and proper appeal brief within the time period provided in 37 CFR 41.37(a)(1). As a complete and proper appeal brief was not filed within one (1) month of the July 25, 2007 Notification of Non-Compliant Appeal Brief under 37 CFR 41.37(c)(1), the appeal was dismissed and the proceedings as to the rejected claims were terminated. *See* 37 CFR 1.197(b). As no claim was allowed, the application became abandoned on August 26, 2007. *See* MPEP 1215.04. On March 26, 2008, the present petition was filed. A Notice of Abandonment was subsequently mailed on April 29, 2008.

The petition is not signed by an attorney or agent of record; however, in accordance with 37 CFR 1.34(a), the signature of Robert N. Rountree 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. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Rounttree desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

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) , including the fee of $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay[1].

[1] 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. While the statement is not made by an attorney of record, 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.

This application is being referred to Technology Center AU 2611 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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: ROBERT N. ROUNTREE, LLC
70360 HIGHWAY 69
COTOPAXI, CO 81223

(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : **6,900,545 B1**

DATED : **May 31, 2005**

INVENTOR(S) : **Sebesta 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:

Under Foreign Patent Documents on page 1
Line 8, delete "100093215 A" and insert --10093215 A--

Column 10
Line 61, delete "and"
Lines 64 and 65, delete "substrate" and insert --circuit line--

Column 11
Line 12 delete "and"
Line 18, delete "substrate" and insert --circuit line--

Column 12
Line 25, delete "and"

MAILING ADDRESS OF SENDER (Please do not use customer number

PATENT NO. **6,900,545 B1**

Jack P. Friedman, Ph.D.
Reg. No. 44,688
Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, NY 12110

No. of additional copies

→

DEC 1 2 2005

P15/REV03

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/17/05

TO SPE OF : ART UNIT **2813**

SUBJECT : Request for Certificate of Correction on Patent No.: 09/526957 6900545

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.

Thank You For Your Assistance

Angela Green
Certificates of Correction Branch
Tel. No. 703-305-9380 ext. 123

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:

Approve deletion of word "and," but disapproves deletion of word substrate," because it changes scope of claim.

_____ **SPE**

2813 **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/16/07

TO SPE OF : ART UNIT 2813

SUBJECT : Request for Certificate of Correction for Appl. No.: **09/526957** Patent No.: **6900545**

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**.

Angela Green
Certificates of Correction Branch
703.308.9380 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: _____

LYNNE GURLEY
SUPERVISORY PATENT EXAMINER

SPE

2800
~~2813~~
Art Unit

November 12, 2007

Docket No. EN9-98-141US2

Applicant: Sebesta, *et al.*

U.S. Patent Application Serial No. 09/526,957

U.S. Patent No. 6,900,545

Filed: March 16, 2000

Issued: May 31, 2005

Art Unit: 2827

Examiner: James Mitchell

Title: VARIABLE THICKNESS PADS ON A SUBSTRATE SURFACE

OK to Enter JM 11/21/07

Certificate of Correction Branch,
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR A SECOND CERTIFICATE OF CORRECTION

The first request for correction of this patent was partially denied (see pages 6 and 7)

A second request for correction was submitted February 1, 2006 (see pages 2-5). It was received by the U.S. Patent Office (see page 2, Patent and Trademark Office postmarked February 6, 2006). The Patent Office shows no record of this submission on the Private PAIR system.

This second request used the Examiner's Amendment of July 22, 2004 (page 3 of the Examiner's Amendment is attached as page 8) as the basis for making the non-approved changes. This second request is attached (pages 2-7).

September 18, 2007, a Certificate of Correction was issued but did not include the four changes in which the Examiner's Amendment changed "substrate" to "circuit line".

November 1, 2007, Mr. Whitehead, of the Certificate of Correction Branch, United States Patent Office, suggested we resubmit the request for a Certificate of Correction which was originally submitted February 1, 2006.

Additionally, we did not receive the Certificate of Correction issued September 18, 2007 (page 1).

Please issue a Certificate of Correction in which all of the changes requested are included (see page 4).

Thank you.

/Jack P. Friedman, Ph.D./
Jack P. Friedman, Ph.D.
Reg. No. 44,688
Schmeiser, Olsen & Watts
22 Century Hill Drive, Suite 302
Latham, NY 12110
(518) 220-1850
Customer No. 30449

Response to Rule 312 Communication	Application No.	Applicant(s)	
	09/526,957	SEBESTA ET AL.	
	Examiner	Art Unit	
	James M. Mitchell	2813	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

1. ☒ The amendment filed on *12 November 2007* under 37 CFR 1.312 has been considered, and has been:

a) ☒ entered.

b) ☐ entered as directed to matters of form not affecting the scope of the invention.

c) ☐ disapproved because the amendment was filed after the payment of the issue fee.
Any amendment filed after the date the issue fee is paid must be accompanied by a petition under 37 CFR 1.313(c)(1) and the required fee to withdraw the application from issue.

d) ☐ disapproved. See explanation below.

e) ☐ entered in part. See explanation below.

LYNNE GURLEY
SUPERVISORY PATENT EXAMINER
AU 2811, TC 2800

Ex. Mitchell

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 7

WADDEY & PATTERSON
414 UNION STREET, SUITE 2020
BANK OF AMERICA PLAZA
NASHVILLE, TN 37219

COPY MAILED

JAN 1 6 2002

OFFICE OF PETITIONS

In re Application of	:	
Daniel M. Joffe et al	:	
Application No. 09/527,162	:	ON PETITION
Filed: March 17, 2000	:	
Attorney Docket No. N-4717	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 9, 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 Notice to File Missing Parts of Application (Notice) mailed May 24, 2000. 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 July 25, 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 $920 extension of time submitted with the petition on January 7, 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 Initial Patent Examination Division for further preexamination processing.

Wan Laymon
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

Paper No. 8

Robert A. Parsons
PARSONS & GOLTRY
340 East Palm Lane
Suite 260
Phoenix, AZ 85004

MAR 22 2002

In re Application of Robert Bruce Davies Application No.: 09/527,281 Filing Date: March 17, 2000 Attorney Docket No.: RBD-IC-2000	: : : : :	DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on the petition, filed August 31, 2001, to withdraw the holding of abandonment of the above-identified application. There is no fee for this petition.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a proper response to the Office action mailed on January 17, 2001. A Notice of Abandonment was mailed on August 13, 2001.

Petitioner states that a search of the file wrapper was made of the above-identified patent application. The petition includes copies of the file jacket and docketing sheets where the non-received Office action would have been entered had it been received and docketed. Petitioner asserts that these indicate that the Office action was not received. Furthermore, a declaration was provided from the inventor, Robert Bruce Davies, stating that he did not receive the Office action mailed on January 17, 2001 at his address (i.e., the correspondence address at that time) and had no knowledge of the Office action.

A review of the written record indicates that the Office action of January 17, 2001 was mailed to the correspondence address (i.e., the inventor's mailing address) provided in the Declaration deposited with the application papers filed on March 17, 2000, which address does not correspond to petitioner's current address. On January 22, 2001, a power of attorney was filed which changed the correspondence address to petitioner's current address.

Absent any irregularity in the mailing of an Office action, there is a strong presumption that the Office action was properly mailed to the correspondence address of record. Since the

correspondence address on January 17, 2001 (i.e., the mail date of the Office action) was the mailing address of the inventor, it is not surprising that the Office action was not received at petitioner's current address.

In the given situation, the evidence is required to show that the Office action was not received at the correspondence address (i.e., the inventor's mailing address) to which it was presumably properly mailed. The evidence provided to show that the Office action was not received at petitioner's current address while important is not sufficient to show that the Office action was not received at the inventor's mailing address. Since an individual inventor is not expected to keep records similiar to those kept by law firms, the declaration by the inventor stating that he did not receive the Office Action at his mailing address is accepted as the requisite showing.

For the above stated reason, the petition is granted. The Notice of Abandonment mailed August 13, 2001 is hereby **VACATED** and the holding of abandonment is withdrawn.

The application file is being forwarded to the Technology Center 2800 support staff for remailing of the Office action of January 17, 2001 to the present correspondence address as designated in the power of attorney filed on January 22, 2001. The remailing of the Office action will reset the time period for response.

Edward Westin

Edward P. Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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Mailed: FEB - 2 2004

THM
Paper No. 11

In re application of
Jorge Alfonso et al.
Serial No. 09/527,291
Filed: March 17, 2000
For: PARTICLE FILLED RESINOUS PRODUCT OF IMPROVED APPEARANCE

DECISION ON PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed August 4, 2003, for failure to timely reply to the office action dated April 2, 2002 and the Non-Responsive Amendment Noticed mailed October 15, 2002.

DECISION

Since petitioner asserts that a timely response was filed, 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.

Applicants' assert that a response to the Office action dated April 2, 2002 was timely filed. This is not contested by the Office. The abandonment letter mailed June 17, 2003 indicates that it is the Letter of Non-Compliance mailed October 15, 2002 to which Applicant failed to timely respond. As no response to the Letter of Non-Compliance has been received, the holding of abandonment is deemed proper.

The Petition is **DENIED.**

The case will be returned to the File Depository.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Deborah Ruff
Mayer, Brown, Rowe & Maw
190 South LaSalle Street
Chicago, IL 60603-3441

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Mailed: 1/24/05

mpc
Paper Number /

In re application of
J. Alfonso, et al.
Serial No. 09/527,291
Filed: March 17, 2000
For: PARTICLE FILLED RESINOUS PRODUCT OF IMPROVED APPEARANCE

DECISION ON PETITION

This is a response to the PETITION FOR RECONSIDERATION UNDER 37 C.F.R. § 1.181 TO WITHDRAW A HOLDING OF ABANDONMENT AND, ALTERNATIVELY, PETITION UNDER 37 C.F.R. § 1.137(b) TO REVIVE, filed March 18, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of June 17, 2003, for failure to timely file a proper response to the Office letter mailed October 15, 2002 be withdrawn. The petitioner asserts that the Office letter was not received by the applicants or applicant's representative.

DECISION

Since the petitioner asserts that the applicant did not receive the Office letter mailed October 15, 2002, the 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, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP § 711.02 - NEW PROCEDURE TMOG 1170 O.G. 114).

As set forth in MPEP § 711.03(c) II - PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE 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**." (emphasis added)

The evidence presented by the petitioner fails to comply with the requirements set forth in MPEP § 711.03(c) II. The evidence fails to provide a statement by the petitioner that a search of the file jacket and docket records was made and indicates that the Office communication was not received, the petitioner has also failed to provide a copy of the docket records where the nonreceived Office communication would have been entered had it been received and docketed.

A review of the application file reveals an Office letter was mailed on October 15, 2002 but it contained an incorrect mailing address (624 Ninth Street NW; Suite NW; Washington, DC 20001).

Therefore, even though the petitioner has failed to provide a statement that a search of the file jacket and docket records indicates that the Office communication was not received along with a copy of the docket records where the nonreceived Office communication would have been entered had it been received and docketed, such requirement is waived in view of the fact that the application file record reveals that the Office letter mailed October 15, 2002 was mailed to the incorrect address.

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 originally mailed October 15, 2002 to the address of record in the application file and restarting of the statutory period of response from the mail date thereof.

The Petition is **GRANTED**.

JMStone

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

MAYER, BROWN, ROWE & MAW LLP
P.O. BOX 2828
CHICAGO, ILLINOIS 60690-2828

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 26 2006

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

In re Application of: BING LIN YANG Serial No.: 09/527,410 Filed: 16 March 2000 Title: SURGE ABSORBER WITHOUT CHIPS	DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the petition filed July 12, 2005, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is **DENIED**.

This application was held abandoned for failure to timely file a reply to the non-final Office action mailed October 14, 2004. A Notice of Abandonment was mailed on May 27, 2005.

Petitioner asserts that in response to the non-final Office action, a Reply to the Non-final Office Action with an amendment, a Petition for a Three-month Extension of Time along with authorization to charge fees to deposit account 06-1130 and a Itemized return postcard were timely filed in the US Patent and Trademark Office (USPTO) on April 14, 2005 via deposit into the outgoing mail for the firm Cantor Colburn LLP. This is evidenced by 1) a copy of the Reply to the Non-final Office Action with the amendment, 2) a copy of the Petition for a Three-month Extension of Time along with the authorization to charge fees to deposit account 06-1130, 3) a copy of the Itemized return postcard sent, (which was never returned), 4) a statement by the Daniel Drexler stating that he signed the certificates and deposited them into the outgoing mail and 5) a copy of the attorney's mail log for April 14, 2005.

The Reply to the Non-final Office Action with an amendment and the Petition for a Three-month Extension of Time along with authorization to charge fees to deposit account 06-1130 are not of record in the application file and cannot be located. However,

the procedure for determining whether a response is considered timely filed in the Office is set forth in MPEP § 503.

> Applicants may establish that a reply was filed with a postcard receipt that properly identifies the reply and provides prima facie evidence that the reply was timely filed. For example, if the application has been held abandoned for failure to file a reply to a first Office action, and applicant has a postcard receipt showing that an amendment was timely filed in response to the Office action, then the holding of abandonment should be withdrawn upon the filing of a petition to withdraw the holding of abandonment.

Petitioner does not present a stamped postcard receipt that properly identifies the Reply to the Non-final Office Action with an amendment and the Petition for a Three-month Extension of Time along with authorization to charge fees to deposit account 06-1130 as prima facie evidence of receipt in the USPTO.

Absent a stamped postcard receipt, the date accorded the Reply to the Non-final Office Action with an amendment and the Petition for a Three-month Extension of Time along with authorization to charge fees to deposit account 06-1130 is the date of receipt by the Office. Since no reply was received until the copy was sent on July 12, 2005, there was no timely response to the non-final Office action mailed October 14, 2004.

The application thus became abandoned as a matter of law on January 15, 2004. The petition is therefore denied.

Petitioner may wish to consider filing a petition under 37 CFR § 1.137(a) or (b) requesting that the application be revived. A petition under 37 CFR § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action; (2) 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; (3) any terminal disclaimer required pursuant to 37 CFR § 1.137(c); and (4) the petition fee as set forth in 37 CFR § 1.17(m). No consideration to the substance of a petition will be given until this fee is received.

Any inquiry regarding this decision should be directed to Jose G. Dees, Special Program Examiner, at (571) 272-1569.

Richard K. Seidel, Director
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & 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

Paper No. None

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

COPY MAILED
JUL 06 2007
OFFICE OF PETITIONS

In re Application of	:	
Binglin Yang et al.	:	
Application No. 09/527,410	:	
Filed: March 16, 2000	:	DECISION ON PETITION
Attorney Docket No. YKI-0034	:	UNDER 37 C.F.R. §1.137(B)
Title: SURGE ABSORBER WITHOUT	:	
CHIPS	:	

This is a decision on the petition filed February 9, 2007, 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 in a timely manner to the non-final Office action, mailed October 14, 2004, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on January 15, 2004. A notice of abandonment was mailed on May 27, 2005.

---

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 12, 2005, and was dismissed via the mailing of a decision by the Technology Center on January 26, 2006.

Over one year later, the present petition was filed.

With the present petition, Petitioner has submitted the petition fee, a response to the non-final Office action, and the proper statement of unintentional delay. No terminal disclaimer is required.

As such, the petition under 37 C.F.R. §1.137(b) is **GRANTED**.

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 amendment which was received with the present petition 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
Senior Attorney
Office of Petitions
United States Patent and Trademark Office

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

Paper No. 6

FISH & RICHARDSON P C
4350 LA JOLLA VILLAGE DRIVE
SUITE 500
SAN DIEGO, CA 92122

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SEP 3 0 2002

OFFICE OF PETITIONS

In re Application of :
Alexander I. Krymski et al :
Application No. 09/527,422 : NOTICE
Filed: March 17, 2000 :
Attorney Docket No. 08305/070001 / :
98-34 :

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 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
WASHINGTON, DC 20231
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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.:

09/527,422

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

PATZIK, FRANK & SAMOTNY LTD.
150 SOUTH WACKER DRIVE
SUITE 1500
CHICAGO, IL 60606

Mail Date: 04/21/2010

Applicant	: Walter A. Rinebold	: DECISION ON REQUEST FOR
Patent Number	: 6968513	: RECALCULATION of PATENT
Issue Date	: 11/22/2005	: TERM ADJUSTMENT IN VIEW
Appliction No	: 09/527,734	: OF WYETH
Filed	: 03/17/2000	:
		:

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.

#5

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 2023

July 26,2002

Douglas H. Goldhush
Squire, Sanders & Dempsey
14th Floor
8000 Towers Crescent DR.
Tysons Corner, VA 22182-2770

In re application of:
Shiri Kadambi et al DECISION ON PETITION
Serial No.: 09/527,855
Filed: March 17, 2000
For: METHOD FOR SENDING A SWITCH INDICATOR TO AVOID OUT-OF-ORDERING OF FRAMES IN A NETWORK SWITCH

This is a decision on the petition received April 11, 2002, 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 May 23, 2000. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned July 25, 2000. A notice of abandonment was mailed on December 10, 2001.

On April 11, 2002, the office received a communication from the attorney of record. Enclosed was an acknowledgment that the attorney never received the Notice to File Missing Part mailed May 23, 2000.

The evidence submitted is sufficient to establish that the petitioners never received the Notice to File Missing Parts of Application mailed May 23, 2000.

The petition is hereby GRANTED.

A new Notice to File Missing Parts is enclosed with this Decision setting forth a new response period of two months form the date of the notice.

Telephone inquiries concerning this matter may be directed to Doshie E. Day at (703) 308-3640.

Doshie E. Day
Program Management Assistant
Office Initial Patent Examination.

NOT SCAN! **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10/5/06

TO SPE OF : ART UNIT ~~2600~~ now 2625

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/527887 Patent No.: 6765693

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

6D05

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.

- ☐ **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**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/4/08

TO SPE OF : ART UNIT 2622 Ometz, David

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/527887 Patent No.: 6765693

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

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**.

FOR PAPER FILES:

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

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: _____

SPE

2622
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

Richard A Goldenberg
Hale and Dorr LLP
60 State Street
Boston, MA 02109

COPY MAILED
MAY 03 2004
OFFICE OF PETITIONS

In re Application of
Mack J. Schermer, et al. :
Application No. 09/527,892 : ON PETITION
Filed: March 20, 2000 :
Attorney Docket No. 109.629.111 :

This is a decision on the petition under 37 CFR(c)(2) to withdraw the above-identified application from issue after payment of the issue fee, filed April 26, 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, February 26, 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 (703) 305-9220.

The application is being forwarded to Technology Center 1743 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

Mailed
NOV 0 6 2000
Technology Center 2100

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

Paper No. 4

David H. Chervitz
763 New South Ballas Road
St. Louis, Missouri 63141

In re Application of: Woodson C. Lewis	)	
Application No. 09/527,927	)	DECISION ON PETITION
Filed: March 17, 2000	)	UNDER M.P.E.P. §708.02(II):
For: ELECTRONIC TICKETING AND	)	INFRINGEMENT
VALIDATION SYSTEM AND	)	
METHOD	)	

This is a decision on the petitions, filed August 11 and November 13, 2000, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

A grantable petition under 37 C.F.R. §1.102(c), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R.§1.117(i) and a statement under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed: and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. A fee under 37 C.F.R. for such a petition is required .

Applicant's submission of August 11, 2000 meets all the criteria set out above, accordingly, the Petition is **GRANTED**. The application file is being forwarded to the Examiner of Record for expedited examination.

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 17
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JUN 06 2002

OFFICE OF PETITIONS

POLSTER, LIEDER, WOODRUFF & LUCCHESI
763 SOUTH NEW BALLAS ROAD
ST. LOUIS, MO 63141-8750

In re Application of
Lewis
Application No. 09/527,927
Filed: March 17, 2000
Attorney Docket No. DN 3564

DECISION ON PETITION

This is a decision on petition under 37 CFR 1.137(b), filed March 11, 2002, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office Action of July 13, 2001. The final Office Action set a three (3) month shortened statutory period for reply. Petitioner submitted a response and a request for a one month extension of time on January 8, 2002 (certificate of mailing date of October 31, 2001). The January 8, 2002 response did not place the application in condition for allowance. Accordingly, this application became abandoned on November 14, 2001. A Notice of Abandonment was mailed on March 8, 2002.

The requirements for the filing of a grantable petition under 37 CFR §1.137(b) have been met. This Petition is hereby **Granted**.

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 the Continued Prosecution Application (CPA) filed March 11, 2002.

The Office acknowledges receipt of the preliminary amendment submitted with the instant petition.

This application is being forwarded to Technology Center 2100 for processing of the CPA.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
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

SENNIGER POWERS LLP (MSFT)
ONE METROPOLITAN SQUARE, 16TH FLOOR
ST. LOUIS, MO 63102

COPY MAILED

JAN 24 2008

OFFICE OF PETITIONS

In re Application of :
David M. Greschler, et al. :
Application No. 09/527,929 : ON PETITION
Filed: March 17, 2000 :
Attorney Docket No. MS#318245.04 (5350) :

This is a decision in response to the petition, filed September 21, 2007[1], 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 an Office action mailed February 8, 2007. This decision precedes the mailing of a Notice of Abandonment. On September 21, 2007, the present petition was filed.

The petition satisfies the conditions for revival pursuant to the provisions 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 $1,500; and (3) an adequate statement of unintentional delay.

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 $1,590 extension of time fee submitted with the petition on September 21, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application is being referred to Technology Center AU 2617 for appropriate action by the Examiner in the normal course of business on the amendment received September 21, 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] A copy of the petition, including the amendment, was also filed on January 4, 2008.

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)
6,260,349	2001-07-17	09/527,994	2000-03-17	0840-0018

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	/Raymond M. Mehler/	Date (YYYY-MM-DD)	2009-09-10
Name	Raymond M. Mehler	Registration Number	26306

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. 6260349
Issue Date: July 17,2001
Application No. 09527994
Filed: March 17,2000
Attorney Docket No. 840 P 018

:

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

:

This is a decision on the electronic petition, filed September 10,2009 ,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 10,2009 . 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
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Paper No. 10

RATNERPRESTIA
P O BOX 980
VALLEY FORGE, PA 19482-0980

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MAY 1 1 2004

OFFICE OF PETITIONS

In re Application of	:	
Genovese et al.	:	
Application No. 09/528,083	:	ON PETITION
Filed: March 17, 2000	:	
Attorney Docket No. MATP-592US	:	

This is in response to the petition under 37 CFR 1.137(b), filed January 22, 2004.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper reply to the non-final Office action mailed July 9, 2003. This Office action set a three month shortened statutory period for reply, with extensions of time obtainable under § 1.136(a). No extension of time having been obtained and no reply received, the instant application became abandoned effective October 10, 2003. A Notice of Abandonment was mailed on January 28, 2004.

The instant petition includes the required reply in the form of an amendment and the required statement of unintentional delay. The petition fee of $1,330 is being charged to Deposit Account No. 18-0350, as authorized.

The application file is being forwarded to Technology Center Art Unit 2614 for consideration of the amendment.

Telephone inquiries regarding 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

#12

PAUL C HAUGHEY
TOWNSEND AND TOWNSEND AND CREW LLP
TWO EMBARCADERO CENTER
8TH FLOOR
SAN FRANCISCO, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of
Glenn Wegner, et al.
Application No. 09/528,089
Filed: March 17, 2000
Attorney Docket No. 10262-012900US

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 4, 2004, 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 19, 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 relating to this decision should be directed to the undersigned at (703) 305-9220.

After the application is received in the Office of Petitions, the file will be forwarded to Technology Center AU 2157 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).

UNITED STATES 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. 13

Date : February 5, 2004

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : GLENN WEGNER, ET AL.
Application No. : 09/528,089
Filed : March 17, 2000

The above-identified application has been assigned Patent No. 6,691,174 and an issue date of February 10, 2004.

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 10, 2004:

> "All reference to Patent No. 6,691,174 to GLENN WEGNER, ET AL. of CALIFORNIA for UART WITH COMPRESSED USER ACCESSIBLE INTERRUPT CODES appearing in the Official Gazette of February 10, 2004, should be deleted since no patent was granted."

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

cc: Geraldine Dozier, Crystal Park 3-44l (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite l100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-9l0 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K.Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
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Paper No. 22

MAR 2 4 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

GRAY CARY WARE & FREIDENRICH LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO CA 94303-2248

In re Application of
Eliezer Pasternak
Application No. 09/528,111
Filed: March 17, 2000
For: SIGNAL COMMUNICATIONS SYSTEM AND METHOD FOR NOISY LINKS

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is in response to the petition filed January 30, 2004 which is treated as a Petition to Withdraw Holding of Abandonment pursuant to 37 C.F.R. §1.181(a). No fee is required.

This application is in an abandoned status for failure to file corrected formal drawings as required by the supplemental Notice of Allowability mailed July 18, 2003. A Notice of Abandonment was mailed January 9, 2004.

Petitioner asserts that corrected formal drawings were timely filed on June 9, 2003. In support of the petition, petitioner has submitted a copy of a postcard which is date stamped June 23, 2003 by the Patent and Trademark Office acknowledging receipt of 13 sheets of formal drawings on that date. In addition, Petitioner provides copies of the formal drawings originally submitted.

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." It is further noted the original corrected formal drawings filed June 23, 2003 are of record in the application file.

However, the drawings filed June 23, 2003 were not acceptable as the margins were incorrect as indicated in the Notice of Draftperson's Review attached to the supplemental Notice of Allowability mailed July 18, 2003. It was failure to reply to this notice by providing new corrected formal drawings which caused the application to become abandoned.

Accordingly, the petition is **DENIED.**

Petitioner is given TWO MONTHS to respond to this decision by way of request for reconsideration and to supplement the original petition as necessary. This time period is NOT extendable under 37 CFR 1.136(a).

Jin F. Ng, 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
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DLA PIPER US LLP
2000 UNIVERSITY AVENUE
E. PALO ALTO CA 94303-2248

MAIL

DEC 05 2008

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Paper No. 24

In re Application of
Eliezer Pasternak
Application No. 09/528,111
Filed: March 17, 2000
For: SIGNAL COMMUNICATIONS SYSTEM AND METHOD FOR NOISY LINKS

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is in response to the petition filed May 24, 2004 requesting reconsideration of the decision denying the Petition to Withdraw Holding of Abandonment mailed March 24, 2004.

This application is in an abandoned status for failure to file corrected formal drawings as required by the supplemental Notice of Allowability mailed July 18, 2003. A Notice of Abandonment was mailed January 9, 2004.

Petitioner asserts that corrected formal drawings were timely filed on June 9, 2003. In support of the petition, petitioner has submitted a copy of a postcard which is date stamped June 23, 2003 by the Patent and Trademark Office acknowledging receipt of 13 sheets of formal drawings on that date. In addition, Petitioner provides copies of the formal drawings originally submitted.

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." It is further noted the original corrected formal drawings filed June 23, 2003 are of record in the application file.

It is noted that the drawings filed June 23, 2003 were deemed not acceptable as the margins were incorrect as indicated in the Notice of Draftsperson's Review attached to the supplemental Notice of Allowability mailed July 18, 2003. It was failure to reply to this notice by providing new corrected formal drawings which caused the application to become abandoned. However, upon further review, it is determined that the margins are of an acceptable size to facilitate proper printing.

Accordingly, the petition is **GRANTED.**

The application file will be forwarded to the publication division for further processing. Any inconvenience caused to the petitioner by the delay in rendering this decision is regretted.

Mark R. Powell

Mark Powell, Director
Technology Center 2600
Communications

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

SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

Mail Date: 07/12/2010

Applicant	: Hardy Lee Crumby	: DECISION ON REQUEST FOR
Patent Number	: 6471591	: RECALCULATION of PATENT
Issue Date	: 10/29/2002	: TERM ADJUSTMENT IN VIEW
Application No	: 09/528,125	: OF WYETH
Filed	: 03/17/2000	:
		:

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. 11

Richard T. Knauer
Roche Diagnostics Corporation
9115 Hague Road Bldg D
P.O. Box 50457
Indianapolis, IN 46250-0457

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AUG 3 0 2002

OFFICE OF PETITIONS

In re Application of :
Volker Zimmer, et al. :
Application No. 09/528,158 :
Filed: March 17, 2000 :
Attorney Docket No. BMID9912US :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 25, 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 non-final Office action mailed December 6, 2001, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 7, 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). Since the $920.00 extension of time submitted with the petition on June 25, 2002was 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 1700, Art Unit 1743.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Sherry Brinkley
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/528,201	03/17/2000	Mitsuo Saeki	P353-9049	3673

4372 7590 06/10/2005

ARENT FOX PLLC
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

EXAMINER
TIBBITS, PIA FLORENCE

ART UNIT	PAPER NUMBER
2838	

DATE MAILED: 06/10/2005

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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. SAEKI ET AL.
Issue Date: December 10, 2002
Appl. No.: 09/528,201
Filed: March 17, 2000
For: PROTECTION METHOD, CONTROL CIRCUIT, AND BATTERY UNIT

DECISION DISMISSING PETITION
37 CFR 1.324

This is a decision on the request under 37 CFR 1.48, filed July 24, 2002. 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 dismissed.

A petition to correct inventorship as provided by 37 CFR 1.324 requires (1) a statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on their part, (2) a statement from the current named inventors (including any "inventor" being deleted) who have not submitted a statement as per "(1)" either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change, (3) a statement from all assignees of the parties submitting a statement under "(1)" and "(2)" agreeing to the change of inventorship in the patent; such statement must comply with the requirements of 37 CFR 3.73(b); and (4) the fee set forth in 37 CFR 1.20(b). This petition lacks item(s) 1-4.

Michael J. Sherry
Supervisory Patent Examiner
Art Unit 2838
Patent Examining Group 2838

ARENT FOX KINTNER PLOTKIN & KAHN
1050 CONNECTICUT AVENUE, N.W.
SUITE 400
WASHINGTON, DC 20036

UNITED STATES PATENT AND TRADEMARK OFFICE

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FISH & NEAVE IP GROUP OF
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110

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SEP 28 2009

OFFICE OF PETITIONS

In re Application of	:	
Yi WANG et al.	:	
Application No. 09/528,225	:	NOTICE UNDER 37 CFR. 1.28(c
Filed: March 21, 2000	:	
Attorney Docket No. **ALXN-P01-021**	:	

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 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 Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GATEWAY, INC.
ATTN: PATENT ATTORNEY
610 GATEWAY DR.
MAIL DROP Y-04
N. SIOUX CITY SD 57049

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OFFICE OF PETITIONS

In re Application of
Glen John Anderson et al.
Application No. 09/528,254
Filed: March 17, 2000
Attorney Docket No. 1206

ON PETITION

This is a decision on the petition filed June 28, 2006 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned December 28, 2005 for failure to timely pay the issue fee on or before December 27, 2005. Accordingly, a Notice of Abandonment was mailed February 2, 2006.

The issue fee and petition fee have been applied. All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[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 a nonprovisional 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 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

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
www.uspto.gov

#12

Koda & Androlia
2029 Century Park East
Suite 3850
Los Angeles, CA 90067-3024

MAILED

JAN 22 2003

Office of the Director
Group 3600

In re application of
Yonezo Furuya
Application No. 09/528,282
Filed: March 17, 2000
For: COIN INSPECTION METHOD AND APPARATUS THERFOR

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in reply to applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181 of November 25, 2002. There is no fee required for this petition.

The petition is **GRANTED**.

A review of the application file reveals that a final Office action was mailed to the applicant on March 12, 2002. An amendment was filed July 12, 2002. In response to the above amendment, the Office issued an Advisory Action on July 22, 2002. Because no further response was received prior to the expiration of the six month statutory period to respond, the application became abandoned and a Notice to that effect was mailed on November 7, 2002. The Notice of Abandonment incorrectly indicated that no response to the Final rejection was received box 1(d), when in actuality, box 1(b) should have been checked to indicate that the response of July 12, 2002 had been received but did not constitute a proper reply.

Applicant's petition alleges that in response to the above Advisory Action a CPA request was filed by facsimile on August 7, 2002. A copy of the CPA request is included with the petition. The petition also indicates that a copy of the applicant's facsimile Communication Result Report showing the successful transmission of the reply is included. Finally, a statement by William L. Androlia was received within the petition, which attests to the personal knowledge of transmitting the request on the date indicated on the Communication Result Report. This is sufficient evidence of a timely response as required under 37 CFR 1.6(f).

Since a timely response to the Office action was filed, 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 for entry of the CPA request filed with the petition, and then to the Primary Examiner for prompt action on the merits of the application.

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Steven Meyers at (703) 308-3868.

Donald T. Hajec, Director
Patent Technology Center 3600
(703) 306-4180
Facsimile No.: (703) 306-4598

snm: 1/19/03
SM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 18

Squire, Sanders & Dempsey L.L.P
600 Hansen Way
Palo Alto, CA 94304-1043

MAIL

MAY 21 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Mason NG, et al.
Application No. 09/528,363
Filed: March 17, 2000
For: SYSTEM AND METHOD FOR AUTOMATICALLY FORWARDING EMAIL AND EMAIL EVENTS VIA A COMPUTER NETWORK TO A SERVER COMPUTER

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request For Withdrawal As Attorney Under 37 CFR § 1.36 and 0.40(c) filed December 4, 2003.

A Revocation And Substitution Of Power Of Attorney Under 37 CFR § 1.36 was filed on April 26, 2004. The Power Of Attorney revoked all prior Powers Of Attorney and appointed Manatt, Phelps & Phillips LLP as the attorney(s) of record of the instant application. The Power of Attorney of April 26, 2004 was accepted. Accordingly, all communications from the U.S. Patent and Trademark Office to applicant are to be conducted by Manatt, Phelps & Phillips LLP.

For the above stated reasons, the request is **DISMISSED AS MOOT**.

No further communication to you regarding this application will be made.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

MANATT PHELPS AND PHILLIPS
ROBERT D. BECKER
1001 PAGE MILL ROAD, BUILDING 2
PALO ALTO CA 94304

In re Application of	:	
Mason Ng et al.	:	
Application No. 09/528,363	:	DECISION ON PETITION
Filed: March 17, 2000	:	TO WITHDRAW
Attorney Docket No. 25587-033-039	:	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 March 20, 2007.

The request is **NOT 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 Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, ***attorneys are no longer representing Applicant***, do not meet any the conditions set forth in 37 CFR 10.40.

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

Telephone inquiries concerning this decision should be directed to Terri Williams at 571-272- 2991.

T. Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **SCOTT MCKEOWN**
OBLON, SPIVAK, MCCLELLAND, MAIER
& NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314-3412

UNITED STATES PATENT AND TRADEMARK OFFICE

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OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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MAR 17 2008

OFFICE OF PETITIONS

In re Application of

Ng, et al. :

Application No. 09/528,363

: DECISION ON PETITION

Filed: March 17, 2000

:

Attorney Docket No. 305976US91

This is a decision on the petition under 37 CFR 1.137(b), filed November 1, 2007, 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 Notice of Non-Compliant Amendment mailed February 15, 2007, which set a shortened period for reply of one (1) month from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on March 16, 2007.

The amendment filed November 1, 2007, is noted.

The application is being forwarded to Technology Center 2100, GAU 2152 for further processing.

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
PO Box 1450
Arlington, VA 22313-1450
www.uspto.gov

Paper No. 12

Salans
Rockefeller Center
620 Fifth Avenue
New York, NY 10020

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MAY 2 9 2003

OFFICE OF PETITIONS

In re Application of	:	
Richard A. Brandt	:	
Application No. 09/528,560	:	ON PETITION
Filed: March 20, 2000	:	
Attorney Docket No. 06764.00004	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 19, 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 November 8, 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 February 9, 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 3711 for further processing.

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. 24

Gayle O'Brien
Abbott Bioresearch Center, Inc.
100 Research Drive
Worcester, MA 01605

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APR 2 5 2003

OFFICE OF PETITIONS

In re Application of	:	
C. Mendel et al.	:	
Application No. 09/528,798	:	ON PETITION
Filed: March 17, 2000	:	
Attorney Docket No. BBC-128	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 7, 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 September 9, 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 December 10, 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 $930 extension of time submitted with the petition on April 7, 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 Latrice Bond at (703) 308-6911.

The application file is being forwarded to Technology Center AU 1614.

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
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Paper No. 10

ERIK B CHERDAK & ASSOCIATES
11300 ROCKVILLE PIKE
SUITE 906
ROCKVILLE, MD 20852

COPY MAILED

JUN 0 7 2004

OFFICE OF PETITIONS

In re Application of
Michael Mullany
Application No. 09/528,845
Filed: March 20, 2000
Attorney Docket No. 013.0079

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 25, 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 November 24, 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. Accordingly, the above-identified application became abandoned on February 25, 2004.

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 Wan Laymon at (703) 306-5685.

The application file is being forwarded to Technology Center AU 2132.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: ARENT FOX
1050 CONNECTICUT AVENUE NW
SUITE 400
WASHINGTON, DC 20036-5339

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

Paper No. 10

ERIK B CHERDAK & ASSOCIATES
11300 ROCKVILLE PIKE
SUITE 906
ROCKVILLE, MD 20852

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JUN 0 7 2004
OFFICE OF PETITIONS

In re Application of
Michael Mullany
Application No. 09/528,845
Filed: March 20, 2000
Attorney Docket No. 013.0079

ON PETITION

RECEIVED
JUN 2 2 2004
Technology Center 2100

This is a decision on the petition under 37 CFR 1.137(b), filed May 25, 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 November 24, 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. Accordingly, the above-identified application became abandoned on February 25, 2004.

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 Wan Laymon at (703) 306-5685.

The application file is being forwarded to Technology Center AU 2132.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: ARENT FOX
1050 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
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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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APR 12 2007

OFFICE OF PETITIONS

In re Application of :
Michael Mullany :
Application No. 09/528,845 : ON PETITION
Filed: March 20, 2000 :
Attorney Docket No. 06975-725001/99-1310 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 11, 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 RCE and an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Final Rejection of June 30, 2004, is accepted as having been unintentionally delayed.

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 (571) 272-3208.

This matter is being referred to Technology Center AU 2132.

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. 7

Mark A. Edwards
E I Du Pont De Nemours and Company
Legal-Patents
1007 Market Street
Wilmington, DE 19898

COPY MAILED

JUN 2 0 2002

OFFICE OF PETITIONS

In re Application of	:	
Barbara H. Minor, et al.	:	
Application No. 09/528,962	:	ON PETITION
Filed: March 21, 2000	:	
Attorney Docket No. F:-1066	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 4, 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 Notice To File Missing Parts Of Non-Provisional Application mailed June 1, 2000. 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 August 2, 2000.

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 Office of Initial Patent Examination for further processing.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Sherry 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
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E I DU PONT DE NEMOURS AND COMPANY
LEGAL PATENT RECORDS CENTER
BARLEY MILL PLAZA 25/1128
4417 LANCASTER PIKE
WILMINGTON, DE 19805

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OCT 2 8 2004

OFFICE OF PETITIONS

In re Application of	:
Barbara Haviland Minor et al	:
Application No. 09/528,962	: DECISION GRANTING PETITION
Filed: March 21, 2000	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. FL-1066	:

This is a decision on the petition, filed October 1, 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 September 20, 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 (571) 272-3218.

This matter is being referred to Technology Center AU 1751 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Frances Hicks
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. 7

Mark A. Edwards
E I Du Pont De Nemours and Company
Legal-Patents
1007 Market Street
Wilmington, DE 19898

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JUN 2 0 2002

OFFICE OF PETITIONS

In re Application of	:	
Donald B. Bivens, et al.	:	
Application No. 09/528,964	:	ON PETITION
Filed: March 21, 2000	:	
Attorney Docket No. F:-1066 US NA	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 13, 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 Notice To File Missing Parts Of Non-Provisional Application mailed May 31, 2000. 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 August 1, 2000.

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 Office of Initial Patent Examination for further processing.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Sherry Brinkley
Petitions Examiner

United States Patent and Trademark Office

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UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 13

MORGAN LEWIS & BOCKIUS LLP
1111 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20004

FEB 27 2002

In re Application of VOIGT et al. Application No. 09/529,010 Filed: November 22, 2000 For: PIEZOELECTRIC ACTUATOR UNIT	)))))	DECISION ON PETITION TO RESET PERIOD FOR REPLY

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 28, 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 30, 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. 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 December 28, 2001 is hereby reset to run FROM THE RECEIPT DATE OF January 30, 2002.

The application file is being forwarded to the Central Files of Technology Center 2800 to await a response to the Office communication. No fee is required for the petition.

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

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. 17

Morgan Lewis & Bockius
1111 Pennsylvania Avenue, NW
Washington, DC 20004

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SEP 17 2003
OFFICE OF PETITIONS

In re Application of	:	
Voigt et al.	:	
Application No. 09/529,010	:	ON PETITION
Filed: November 22, 2000	:	
Attorney Docket No. 051480-5017	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 26, 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 December 28, 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 March 29, 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 2834.

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

26 JUL 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

#3

Laurence H. Posorske
BAKER BOTTS LLP
The Warner, Suite 1300
1299 Pennsylvania Avenue, N.W.
Washington, D.C. 20004-2400

In re Application of
GLADUE, Raymond M. *et al*
U.S. Application No.: 09/529,021
PCT No.: PCT/US98/15835
Int. Filing Date: 31 July 1998
Priority Date: 01 August 1997
Attorney Docket No.: 062308.0224
For: DHA-CONTAINING NUTRITIONAL COMPOSITIONS AND METHODS FOR THEIR PRODUCTION

DECISION ON
PETITION FOR REVIVAL
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed with the documents on 06 April 2000 in the above-captioned application is hereby **GRANTED** as follows:

Applicants state that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3). The basic national fee, independent claim fee, extra claim fees and petition fee for a small entity have been paid. The surcharge of $65.00 for furnishing the declaration later than thirty months from the earliest claimed priority date pursuant to 37 CFR 1.492(e) was charged to Deposit Account No. 02-0375 as authorized. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicants have completed the requirements for acceptance under 35 U.S.C. § 371(c). The application has an international filing date of 31 July 1998, under 35 U.S.C. 363, and a 35 U.S.C. 102(e) and 371(c) date of **06 April 2000**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations for continued processing.

James Thomson

James Thomson
PCT Attorney
PCT Legal Office

Tel.: (703) 308-6457

09/529032

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/25/2006

TO SPE OF : ART UNIT 2800 (2876)

SUBJECT : Request for Certificate of Correction on Patent No.: 7,014,118

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 – 2900 South Tower ste.9A43A
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.

Ok to enter changes to claims as requested in C of C?

Ernest C. White, LIE (703) 308-9390x122
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:

changes to the address, typos, & antecedent basis, and minor changes do not change the scope of the claims and are consistent with the claim terminology of similar claims. OK to enter all changes

SPE

2876
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.: 7014118

DATED: March 21, 2006

FIRST NAMED INVENTOR: RAMEY, SAMUEL C.

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

DW 9-1-06 ok to enter

Page 1, column 1 (Assignee), After "Inc," insert - - 800 East Eight Street, - -

Column 7, line 7, in claim 4, before "ejector" delete "monolithic".

Column 8, line 47, in claim 24, delete "claim 22" and insert - - claim 23 - -, therefore.

Column 8, line 52, in claim 25, delete "mm" and insert - - arm - -, therefore.

MAILING ADDRESS OF SENDER:

OFFICE OF INTELLECTUAL PROPERTY COUNSEL
3M INNOVATIVE PROPERTIES COMPANY
3M CENTER - P.O. BOX 33427
SAINT PAUL, MINNESOTA 55133-3427

PATENT NO. 7014118

No. of add'l copies: -0-
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JOSEPH R. SNYDER
TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
SAN FRANCISCO,CA 94111-3834

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APR 1 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Greg Davey et al	:	
Application No. 09/529,033	:	DECISION ON PETITION
Filed: April 5, 2000	:	TO WITHDRAW
Attorney Docket No. 021706-001100US	:	FROM RECORD

This is a decision on the Request to Withdraw as Attorney or Agent of record under 37 CFR 1.36(b) filed February 9, 2007.

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

A review of the file record indicates that the power of attorney to the attorneys associated with Customer No. 20350 has been revoked by the assignee on March 5, 2007. Accordingly, the request to withdraw under 37 CFR 1.36(b) is moot.

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

It is noted that the revocation and power of attorney submitted on March 5, 2007 was improperly accepted by the Office on April 9, 2007. In this regard, compliance with 37 CFR 3.73(b) has not been satisfied in that the chain of title from the inventors to the current assignee was not provided on the statement under 37 CFR 3.73(b). Therefore, in order for the power of attorney to be acceptable, compliance with 37 C.F.R. 3.73(b) must be satisfied. A form for complying with the provisions of 37 C.F.R 3.73(b) may be found on the USPTO.gov website (Form No. PTO/SB/96).

A non-final Office action was mailed April 2, 2007, which set a shortened statutory period for reply of three (3) months. This period is extendable under the provisions of 37 CFR 1.136(a). Failure to timely reply will result in the abandonment of the application.

Telephone inquiries concerning this decision should be directed to Kimberly Inabinet at 571-272-4618.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Nath Law Group PLLC
112 South West Street
Alexandria, VA 22314

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

Browdy and Neimark
624 Ninth Street, NW
Suite 300
Washington, DC 20001-5303

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MAY 07 2002

OFFICE OF PETITIONS

In re Application of
Meir Edelman et al.
Application No. 09/529,172
Filed: August 22, 2000
Attorney Docket No. Edelman=1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 26, 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 15, 2001, 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 July 16, 2001.

The file is being forwarded to Technology Center AU 1638, 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

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

Mr. Joseph S. Tripoli
THOMSON MULTIMEDIA LICENSING, INC.
PO Box 5312
Two Independence Way
Princeton, New Jersey 08543

In re Application of EBLING, Mark, Jacob, et al. U.S. Application No.: 09/529,184 PCT No.: PCT/US98/21556 International Filing Date: 13 October 1998 Priority Date: 14 October 1997 Attorney's Docket No.: RCA 88759 For: SYSTEM FOR FORMATTING AND PROCESSING MULTIMEDIA PROGRAM DATA AND PROGRAM GUIDE INFORMATION	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to the "Communication Pursuant To PCT Rule 4.15(b)" filed 07 April 2000 and the concurrent submission of a declaration which was not executed by one of the applicant/co-inventors, Mehmet Kemal Ozkan, which together have been treated as a petition under 37 CFR 1.47(a) seeking acceptance of the national stage application without Mr. Ozkan's signature. Deposit Account No. 07-0832 has been charged the required $130 petition fee.

BACKGROUND

On 13 October 1998, applicants filed international application PCT/US98/21556 which claimed a priority date of 14 October 1997 and which designated the United States.

On 21 April 1999, 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., 14 April 2000.

On 07 April 2000, applicants filed a transmittal letter for entry into the national stage in the United States which included an authorization to charge Deposit Account No. 07-0832 $1,982 ($970 for the basic national fee, $504 for inclusion of 28 extra total claims, $468 for inclusion of 6 extra independent claims, and $40 for recordation of an assignment). The

transmittal letter was also accompanied by a declaration executed by five of the six inventors (the nonsigning inventor was Mr. Mehmet Kemal Ozkan) and the "Communication Pursuant To PCT Rule 4.15(b)" considered herein. This Communication asserts that Mr. Ozkan's signature could not be obtained because he could not be located.

DISCUSSION

In order for the application to be accepted without the signature of the nonsigning inventor, applicants must submit a grantable petition under 37 CFR 1.47(a). A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(I), (2) a statement of the last known address of the inventor; (3) an oath or declaration executed by the other inventors on their own behalf and on behalf of the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Here, the submission included an authorization to charge Deposit Account No. 07-0832 for "any additional fees which may be required." Based on this authorization, Deposit Account No. 07-0832 has been charged $130 as the petition fee. Item (1) is therefore satisfied.

The Communication sets forth the nonsigning inventor's last known address, so item (2) is satisfied.

With respect to item (3), applicants section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, the declaration submitted contains an unsigned signature block for the nonsigning inventor and it is executed by the other five inventors. Thus, item (3) is satisfied.

Regarding item (4), the proof required to show that a nonsigning inventor cannot be reached after diligent effort is set forth in section 409.03(d) of the MPEP, which states:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made. ...

> The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

Here, the evidence describing the search for Mr. Ozkan is contained in the Communication, which states that the application materials were sent by DHL Worldwide Express to the nonsigning inventor's last known address and that the inventor could not be located at that address. This is supported by the accompanying documentation. However, a single mailing to the last known address of an inventor does not constitute a "diligent effort" to reach an inventor for purposes of 37 CFR 1.47(a). Applicants must provide evidence of any additional efforts made to reach Mr. Ozkan in the form required by the MPEP (that is, in an affidavit or declaration from a person with firsthand knowledge of the facts set forth).

Based on the foregoing, it is concluded that the petition in its present form does not provide sufficient proof that the missing inventor, Mr. Ozkan, cannot be reached after diligent effort. As this is one of the requirements for a successful petition under 37 CFR 1.47(a), the instant petition must be denied.

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response 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 1.47(a)." No additional petition fee is required. Failure to file a timely response will result in abandonment of the application.

Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the International Division, Legal Staff.

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

12 DEC 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

Mr. Joseph S. Tripoli
THOMSON MULTIMEDIA LICENSING, INC.
PO Box 5312
Two Independence Way
Princeton, New Jersey 08543

In re Application of EBLING, Mark, Jacob, et al. U.S. Application No.: 09/529,184 PCT No.: PCT/US98/21556 International Filing Date: 13 October 1998 Priority Date: 14 October 1997 Attorney's Docket No.: RCA 88759 For: SYSTEM FOR FORMATTING AND PROCESSING MULTIMEDIA PROGRAM DATA AND PROGRAM GUIDE INFORMATION	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

On 09 August 2000, this Office mailed a decision dismissing applicants petition under 37 CFR 1.47(a) for failure to satisfy all the requirements of a grantable petition. Specifically, applicants had failed to provide adequate proof that a diligent effort had been made to obtain the signature of the nonsigning inventor, whom applicants claimed could not be located.

On 22 September 2000, applicants filed the "Renewed Petition Under 37 CFR 1.47(a)" considered herein. This Renewed Petition sets forth in detail the efforts made to locate the nonsigning inventor, and it is supported by a declaration executed by Ms. Davida Fornarotto, the paralegal who had tried to contact the nonsigning inventor. The facts set forth in the Renewed Petition and in the declaration of Ms. Fornarotto provide adequate evidence that a diligent effort has been made to locate the nonsigning inventor. Accordingly, applicants have now satisfied all the requirements for a grantable petition under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**. The application is accepted without the signature of applicant/co-inventors, Mehmet Kemal Ozkan.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at the last known address of record as set forth in the petition, and a notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

The application has an international filing date of 13 October 1998 under 35 U.S.C. 363 and a date of 07 April 2000 under 35 U.S.C. 371(c).

This application is being forwarded to the National Stage Processing Branch of the International Division for further processing in accord with this decision, including mailing of a Notification Of Acceptance Of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

Leonard Smith
PCT Legal Examiner
PCT Legal Office

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

RMR/LS:rmr

12 DEC 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

Mehmet Kemal Ozkan
Savasci Sok, Bozokatt 19/1
Avcilar 34840
Istanbul, Turkey

In re Application of EBLING, Mark, Jacob, et al.
U.S. Application No.: 09/529,184
PCT No.: PCT/US98/21556
International Filing Date: 13 October 1998
Priority Date: 14 October 1997
Attorney's Docket No.: RCA 88759
For: SYSTEM FOR FORMATTING AND PROCESSING MULTIMEDIA PROGRAM DATA AND PROGRAM GUIDE INFORMATION

Dear Mr. Ozkan:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
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RMR/LS:rmr

Counsel of Record:
Mr. Joseph S. Tripoli
THOMSON MULTIMEDIA LICENSING, INC.
PO Box 5312, Two Independence Way
Princeton, New Jersey 08543

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 12

Alan Israel
KIRSCHSTEIN OTTINGER
ISRAEL & SCHIFFMILL
489 Fifth Avenue
New York, NY 10017-6105

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OFFICE OF DIRECTOR
GROUP

In re Application of:
David Watson
Application No. 09/529,201
Filed: May 18, 2000
Attorney Docket No. P/61209/BAE

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102, filed January 16, 2001, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item VIII: Accelerated Examination.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P., Section 708.02, Item VIII, must be accompanied by (a) the fee set forth in 37 C.F.R. § 1.17(I), (b) a statement that all claims are directed a single invention or an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention, (c) a statement that a pre-examination search has been made by the inventor, attorney, agent, professional searcher, etc., and a listing of the field of search by class and subclass, (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) a detailed description of the submitted references and discussions pointing out how the claimed subject matter is distinguishable over these references.

The petition contains items (a)-(e) in accordance with M.P.E.P., Section 708.02, Item VIII.

Accordingly, the petition is GRANTED.

The application is being forwarded to the examiner for examination under the accelerated examination procedure.

If the examiner determines that restriction is necessary, he/she will follow the established

telephone practice to resolve the restriction. If applicant elects with traverse the application will be forwarded to the Special Programs Examination unit to vacate this decision, and the application will be taken up by the examiner for action in its regular turn.

If the examiner can make this application special without prejudice to any possible interfering applications, and he/she should make a rigid search for such, he/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/she should consider such application simultaneously with this application and should state in the official letter of such application that she/he is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application becomes 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. Section 1309.

The petition is granted to the extent indicated.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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MAR 12 2002
Mailed:

BRC
Paper Number 13

In re application of
Yaacov Almog et al.
Serial No. 09/529,289
Filed: April 7, 2000
For: COATING SYSTEM FOR SUBSTRATES

DECISION ON PETITION

This is a response to the PETITION UNDER 37 C.F.R. 1.144 filed January 10, 2002 requesting that the examiner's finding of lack of unity of inventions between Group I, II, and III be vacated. The petitioner asserts that 37 CFR 1.475(b)(3) provides unity of invention in an application the contains claims directed to a product, method of manufacture and method of use. The petitioner asserts that the examiner improperly based the finding of lack of unity of inventions on 37 CFR 1.475(a), without considering 37 CFR 1.475(b).

DECISION

The instant application has been filed under 35 U.S.C. 371 as a national phase application of PCT/IL98/00491, and as such is subject to the unity of invention requirements set out in PCT Rules 13.1-13.4 and 37 CFR 1.475, as well as the PCT Administrative Instructions and Annex B. A review of the application record as well as 37 CFR 1.475, and the PCT Administrative Instructions and Annex B indicates that the petitioner's request cannot be granted.

The PCT Administrative Instructions, Annex B, Part 1 at (b) state that the "special technical features" common to all groupings of inventions shall be defined, as in PCT Rule 13.2, to mean,

> "those technical features which each of the claimed inventions, **considered as a whole, makes over the prior art**." (Emphasis added)

A review of the reasons for advancing the requirement for restriction, at pages 3-9 of the Office action of June 14, 2001 and pages 2-4 of the Office action of October 10, 2001, reveals that the examiner did properly follow the direction given in PCT Rule 13.2 to consider the special technical feature as those features which each of the inventions, considered as a whole (together), makes over the prior art.

In the instant case, the claims of Groups I-III set forth a shared technical feature of a substrate comprising:

a. a sheet of plastic,

b. an underlayer coating comprising a first polymer material chosen from the group consisting of amine terminated polyamide, a silane coupling agent and amino propyl triethoxy silane, and

c. an overlayer coating comprising a second polymer material having an outer surface which a toner image can be fused and fixed.

However, the shared technical feature of the specific substrate has been shown, on pages 5-8 of the Office action of October 10, 2001, to not make (be) a contribution over the prior art of Touhsaent ('960) alone or in combination with Ueno et al (US '268). Hence, the shared technical feature is not a "special" technical feature as required for unity of inventions under PCT Rule 13.2. Therefore the examiner's finding that there is a lack of unity of invention between Groups I-III was correct.

The petitioner's statement that 37 CFR 1.475 does not require a "special" technical feature, if the requirements of 37 CFR 1.475(b) are met is incorrect. As set forth in Annex B of the PCT Administrative Instructions, unity of inventions exists only when there is a technical relationship among the claimed inventions involving one of more of the same or corresponding special technical features (Emphasis added).

Upon mailing of this Decision, this application will be forwarded to the examiner for consideration of the Amendment and Response filed on January 10, 2002, which was in response to the October 10, 2001 Office action.

The Petition is **DENIED**.

Richard V. Fisher

Richard V. Fisher, Director
Technology Center 1700
Chemical and Materials Engineering

William H. Dippert, Esq.
c/o Cowan, Liebowitz and Latman, P.C.
1133 Avenue of the Americas
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27 SEP 2000

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Patent Cooperation Treaty Legal Office

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#3

Steven J. Highlander
FULBRIGHT & JAWORSKI
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Suite 1900
Austin, Texas 78701

In re Application of	:	
POULIN et al.	:	
Application No.: 09/529,319	:	DECISION ON
PCT No.: PCT/US98/07806	:	
Int. Filing Date: 21 April 1998	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.: ILEX:040/HYL	:	37 CFR 1.137(b)
For: POLYAMINE TRANSPORT INHIBITORS	:	

This decision is in response to the petition entitled "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed 11 April 2000.

BACKGROUND

On 21 April 1998, applicants filed international application PCT/US98/07806. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 28 October 1999. The twenty-month period for paying the basic national fee in the United States expired at midnight on 21 December 1999.

On 11 April 2000, applicants filed the instant "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)". The petition was accompanied by, *inter alia*: a copy of the international application; the basic national fee; and the petition fee.

DISCUSSION

A petition to revive the present application under 37 CFR 1.137(b) must include:

(1) The required reply;
(2) The petition fee;

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicants submitted the basic national fee on 11 April 2000. Note that the basic national fee is $840.00 rather than the $930.00 submitted by applicants. The difference has been refunded.

As to item (2), the requisite petition fee was submitted on 11 April 2000. Note that the petition fee is $1,210.00 rather than the $1,320.00 submitted by applicants. The difference has been refunded.

With regard to item (3), petitioner's statement that "[t]his application became abandoned unintentionally" has been construed as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional." If this interpretation is incorrect, applicant must *immediately* notify the PCT Legal Office of such fact.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision, including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b).

Daniel Stemmer
Legal Examiner
PCT Legal Office
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Boris Milef
Legal Examiner
PCT Legal Office

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#19

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JUL 16 2003

Paul Marcoux
OGILVY RENAULT
1981, MCGILL COLLEGE, SUITE 1600
MONTREAL, QC H3A2Y3
CANADA

In re Application of	:	
Poulin et al.	:	
Serial No.: 09/529,319	:	WITHDRAWAL OF ABANDONMENT
Filed: April 11, 2000	:	
Attorney Docket No.: 6013-114us	:	

This is in response to applicants' communication filed May 15, 2003, requesting reconsideration of revival of the above-identified application based on nonreceipt of the office action.

The reconsideration was accompanied with a copy of e-mail between Stevn Highlander of FULBRIGHT & JAWORSKI LLP and Marc Gane who is under supervision of Paul Marcoux as evidence that the Office action dated July 30, 2002 was never received. The statement and evidence indicated that the Office action dated July 30, 2002 was never received.

Applicants' petition is **GRANTED**.

The application has been returned to pending status, A copy of the Final Office action dated July 30, 2002 is attached herewith. The shortened statutory period for response is set to expired Three Months from the mailing date of this letter.

Should there be any questions regarding this decision, please contact Cecilia Tsang by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 305-7230.

Cecilia Tsang for
Bruce Kisliuk
Director, Technology Center 1600

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#17

In re Application of
Poulin et al
Serial No.: 09/529,319
Filed: April 11, 2000
~~Attorney Docket No.: ILEX:040/019~~

This is in response to "Petition under MPEP Section 711.03© to Withdraw Holding of Abandonment Based on Failure to Receive Office Action" filed February 11, 2003 via facsimile.
Applicant request that the Abandonment of the application mentioned by the examiner in a telephone conversation dated February 6, 2003 be withdrawn under MPEP 711.03(c).

The file history has been reviewed. On July 30, 2002, a Final office action was mailed to Fulbright & Jaworski, Suite 2400, 600 Congress Ave., Austin, TX 78701, setting a Three months shortened statutory period for reply. On October 22, 2002, "Revocation of Previous Powers of Attorney and Appointment of New Attorney" and "Attorney Change of Address" were filed. On October 25, "Notice Recording Change of Power of Attorney" was mailed. The Final action was properly mailed to the correct address of record.

Applicant alleged that on February 10, 2003, applicant had a telephone conversation with Mr. Steven Highlander from the firm Fulbright & Jaworski and that Mr. Highlander confirmed that no Office action was received by them on or after June 2002. However, there is no evidence provided. No copy of the docket record from the firm Fulbright & Jaworski where the nonreceived Office communication would have been entered had it been received and docketed is provided. See MPEP 711.03© II. Accordingly, the petition is dismissed. The application is abandoned.

Petition Dismissed.

Should there be any questions regarding this communication, please contact Cecilia Tsang by mail addressed to Director, Technology Center 1600, Washington, D.C. 20231, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 305-7230.

Cecilia Tsang for
Bruce Kisliuk
Director, Technology Center 1600

31 DEC 2003

#6

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Thomas D. Bratschun
Swanson & Bratschun, L.L.C.
1745 Shea Center Drive, Suite 330
Highlands Ranch, CO 80126

In re Application of SATCHWELL et al	:	
U.S. Application No.: 09/529,438	:	
PCT Application No.: PCT/CA99/00914	:	
Int. Filing Date: 29 September 1999	:	DECISION
Priority Date Claimed: 29 September 1998	:	
Attorney Docket No.: SIM.03-1	:	
For: PROCESS FOR TREATING CRUDE OIL	:	
USING HYDROGEN IN A SPECIAL UNIT	:	

This is in response to applicant's "Petition Under 37 CFR 1.181 to Vacate Notice of Abandonment" filed 30 December 2003.

BACKGROUND

On 29 September 1999, applicant filed international application PCT/CA99/00914, which claimed priority of an earlier Canada application filed 29 September 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 06 April 2000. The twenty-month period for paying the basic national fee in the United States expired on 29 May 2000.

On 13 April 2000, applicant filed national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was purportedly accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 18 May 2000, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned for failure to timely file the basic national fee.

On 30 December 2003, applicant filed the present petition, along with a copy of a return postcard receipt.

DISCUSSION

The evidence of record is sufficient to establish that the basic national fee was originally filed on 13 April 2000. Specifically, the copy of the return postcard, which includes the basic national fee in its itemized contents and which bears a USPTO date stamp of 13 April 2000, serves as *prima facie* evidence that the basic national fee was received by the USPTO on 13 April 2000.

CONCLUSION

For the reasons above, the petition is GRANTED.

The application has an International Filing Date under 35 U.S.C. 363 of 29 September 1999, and a date under 35 U.S.C. 371(c) of 12 May 2000.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including charging the requisite basic national fee to Deposit Account No. 19-5117 as authorized in the petition.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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In re Patent No. 6373392
Issue Date: April 16,2002
Application No. 09529449
Filed: April 24,2000
Attorney Docket No.

:

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

:

This is a decision on the electronic petition, filed December 23,2007 ,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 23,2007. 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)
6,373,392	2002-04-16	09529449	2000-04-24	

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	/Edwin D. Schindler/	Date (YYYY-MM-DD)	2007-12-23
Name	Edwin D. Schindler	Registration Number	31459

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.

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Paper No. 16

C. James Bushman
Browning Bushman
5718 Westheimer, Suite 1800
Houston, TX 77057

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OFFICE OF PETITIONS

In re Application of :
Klaus Noweck, et al. :
Application No. 09/529,484 : ON PETITION
Filed: June 9, 2000 :
Attorney Docket No. MULLER-19 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 20, 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 December 4, 2001, which set a shortened statutory period for reply of three(3) months. A two(2) months extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on May 5, 2002.

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 1754.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Sherry Brinkley
Petitions Examiner

16 JAN 2003

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Oppenheimer, Wolff & Donnelly, LLP
1400 Page Mill Road
Palo Alto, CA 94304

In re Application of	:	
Wojtczak et al.	:	
Application No. 09/529,496	:	DECISION ON
PCT No.: PCT/US98/21807	:	
Int. Filing Date: 14 October 1998	:	PETITION UNDER
Priority Date: 14 October 1997	:	
Atty. Docket No.: 37577-0015	:	37 CFR 1.137(b)
For: Ammonium Borate Containing	:	
Compositions For Stripping Residues	:	
From Semiconductor Substrates	:	

This is in response to the petition under 37 CFR 1.137(b) filed on 08 March 2001.

BACKGROUND

This international application was filed on 14 October 1998 and claimed earliest priority of an application filed on 14 October 1997. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. Accordingly, the 30 month time period for paying the basic national fee in the United States expired at midnight on 14 April 2000.

On 10 April 2000, applicants filed *inter alia* the basic national fee.

On 16 May 2000, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the submission of an executed oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(e).

On 08 March 2001, applicants filed the instant petition.

On 26 March 2001, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants, indicating that this international application had become abandoned with respect to the United States for failure to timely reply to the Notification of Missing Requirements of 16 May 2000.

DISCUSSION

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; (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 (c) of this section. The petition satisfies requirements (2), (3) and (4) but does not satisfy requirement (1).

Regarding requirement (1), the petition includes a fee authorization. Accordingly, the $130.00 surcharge under 37 CFR 1.492(e) is being charged to counsel's deposit account no. 02-3964. However, the declaration accompanying the petition is not acceptable because it is not clear whether William Wojtczak signed a complete copy of the declaration, or if he merely signed "Page 2 of 2," a copy of which is attached to the declaration. Also, the declaration refers to international application PCT/US99/21807, rather than the correct international application number (PCT/US98/21807). As such, the required reply to the Notification of Missing Requirements, in the form of both the surcharge under 37 CFR 1.492(e) and an executed declaration in compliance with 37 CFR 1.497(a) and (b), has not been received. Applicants must submit either a single declaration executed by both inventors or separate complete declarations as executed by the individual inventors.

Regarding requirement (2),the petition includes a fee authorization. Accordingly, the $1280.00 petition fee is being charged to counsel's deposit account no. 02-3964.

Regarding requirement (3), the petition includes a statement that "the entire delay in responding to the Notice of Missing Requirements and Notice of a Defective Oath or Declaration from the respective due dates until the filing of this petition was unintentional (as defined under 37 CFR 1.137(b)(3))." This statement is being construed as 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 notify the Patent and Trademark Office if such an interpretation of the statement in the petition is not correct. Thus, the statement in the petition is being accepted in satisfaction of 37 CFR 1.137(b)(3).

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

DECISION

The petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper response 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 1.137(b)" No additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

Richard Cole
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
Fax: (703) 308-6459

DT07 Rec'd PCT/PTO 03 MAR 2003

#6

ATMI-397
PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: William A. Wojtczak, et al. Group Art Unit:

U.S. Application No.: 09/529,496 Filed: April 10, 2000

PCT Application No.: PCT/US98/21807 Filed: October 14, 1998

Priority Date: October 14, 1997

Title: "AMMONIUM BORATE CONTAINING COMPOSITIONS FOR STRIPPING RESIDUES FROM SEMICONDUCTOR SUBSTRATES"

"Express Mail" mailing label number: EV178871820US
Date of Deposit: 3-03-03

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to the Box PCT, Commissioner for Patents, Washington, DC 20231, Attn: PCT Legal Office.

Lee Ann DiLello
(Typed or printed name of person mailing paper or fee)

Lee Ann DiLello
(Signature of person mailing paper or fee)

RENEWED PETITION UNDER RULE 137 (b) TO REVIVE AN UNINTENTIONALLY ABANDONED APPLICATION

Box PCT
Commissioner for Patents
Washington, D.C. 20231

Attn: PCT Legal Office

Sir:

This Renewed Petition under Rule 1.137 (b) is being prepared in response to the 16 January 2003 response to Petition under 37 CFR 1.137(b) filed on 08 March 2001. The 08 March 2001 Petition under Rule 137(b) was prepared due to the abandonment of the application

on June 17, 2000 for failure to provide an executed oath or declaration, pursuant to the Notice of Missing Requirements and Notice of a Defective oath or Declaration, both dated May 16, 2000.

The response to Applicants 08 March 2001 Petition states (1) that the declaration accompanying the petition was not acceptable because it is not clear whether William Wojtczak signed a complete copy of the declaration, or if he merely signed "Page 2 of 2". Further the declaration refers to international application PCT/US99/21807, rather than the correct international application number (PCT/US98/21807). As such, the required reply to the Notification of Missing Requirements, in the form of both the surcharge under 37 CFR 1.492(e) and an executed declaration in compliance with 37 CFR 1.497(a) and (b), has not be received. Accordingly, a single declaration executed by both inventors or separate complete declarations as executed by the individual inventors is required.

Item (2) of the response to Applicants 08 March 2001 Petition states that the fee of $1280 is being charged to counsel's deposit account no. 02-3964.

Item (3) of the response to Applicants 08 March 2001 Petition states that the petition includes a statement that the "entire delay in responding to the Notice of Missing Requirements and Notice of Defective Oath or Declaration from the respective due dates until the filing of this petition was unintentional (as "the entire delay in filing the required reply from the due date for the reply until the filing of the grantable petition pursuant to 37 CFR 1.137(b) was unintentional." Petition must notify the Patent and Trademark off if such an interpretation of the statement in the petition is not correct. Thus, the statement in the petition is being accepted in satisfaction of 37 CFR 1.137(b)(3).

Item (4) states that no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

In response to item (1), Applicants enclose a single Declaration and Power of Attorney signed by both inventors. Further, Applicants have corrected the international application number. The number now reads correctly (PCT/US98/21807). Please charge deposit account no. 50-0860 in the amount of $130 for the late filing of the Oath and Declaration. Accordingly, the Missing Parts Requirements in the form of both the surcharge under 37 CFR 1.492(e) and an executed declaration in compliance with 37 CFR 1.497(a) and (b) have been met.

Regarding item (2), the fee for this Petition has already been charged to deposit account no. 02-3964 and applicants believe no further fee is required.

Regarding item (3), the interpretation of the statement in the petition 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" is correct.

Regarding item (4), Applicants agree no terminal disclaimer is required.

In view of the above, applicants respectfully request that this Petition be granted and the patent application be revived.

Any deficiency or over payment should be charged or credited to Deposit Account No. 50-0860.

Respectfully submitted,

March 3, 2003

William F. Ryann
Registration No. 44,313
Attorney for Applicants

ADVANCED TECHNOLOGY MATERIALS, INC.
7 COMMERCE DRIVE
DANBURY, CT 06810
Phone: 203 794-1100
FAX: 203 797-2544

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
www.uspto.gov

#7

05 MAY 2003

Oppenheimer, Wolff & Donnelly, LLP
1400 Page Mill Road
Palo Alto, CA 94304

In re Application of	:	
Wojtczak et al.	:	
Application No. 09/529,496	:	DECISION ON
PCT No.: PCT/US98/21807	:	
Int. Filing Date: 14 October 1998	:	PETITION UNDER
Priority Date: 14 October 1997	:	
Atty. Docket No.: 37577-0015	:	37 CFR 1.137(b)
For: Ammonium Borate Containing	:	
Compositions For Stripping Residues	:	
From Semiconductor Substrates	:	

This is in response to the renewed petition under 37 CFR 1.137(b) filed on 03 March 2003.

DISCUSSION

On 16 January 2003, a decision on the petition under 37 CFR 1.137(b) filed on 08 March 2001 was mailed to applicants, dismissing the petition without prejudice on the grounds that applicants had not provided the required reply in the form of both the surcharge under 37 CFR 1.492(e) and an executed declaration in compliance with 37 CFR 1.497(a) and (b). The instant petition is accompanied by authorization to charge the surcharge under 37 CFR 1.492(e) to counsel's deposit account, and by a declaration executed by both of the joint inventors. As the required reply has now been submitted, it would be appropriate to grant the petition.

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

Counsel's deposit account no. 50-0860 is being charged in the amount of $130.00 for the surcharge under 37 CFR 1.492(e), as authorized by the instant renewed petition.

This application is being forwarded to the National Stage Processing Branch for further processing. The date of the application under 35 U.S.C. 371 (c)(1), (2) and (4) is **03 March 2003**.

Boris Milef
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
Fax: (703) 308-6459

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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AUG 24 2009

OFFICE OF PETITIONS

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

In re Application of	:	
Alan Leslie BIDWELL	:	
Application No. 09/529,497	:	DECISION ON PETITION
Filed: May 31, 2000	:	TO WITHDRAW
Attorney Docket No. A33112PCTUSA	:	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 7, 2006. The delay in addressing the instant request is regretted.

The request is **NOT APPROVED**.

The request cannot be approved because no reasons for withdrawal have been provided. The Office cannot, at this time, determine whether practitioner's request is one of the mandatory or permissive reasons enumerated in 37 CFR 10.40. Any subsequent requests must include reasons for withdrawal. Please note that there is a space provided for on PTO/SB/83 (Request to Withdraw as Attorney or Agent) to supply practitioner's reasons.

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

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3209.

BethAnne Dayoan
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

1 5 DEC 2009

BAKER BOTTS L.L.P.
30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

In re Application of	:	
BIDWELL	:	DECISION ON REQUEST
U.S. Application No.: 09/529,497	:	FOR WITHDRAWAL AS
PCT No.: PCT/AU98/00214	:	ATTORNEY OF RECORD
Int. Filing Date: 30 March 1998	:	
Priority Date: 15 October 1997	:	
Attorney Docket No.: A33112 PCT USA	:	
For: STEERABLE LOAD-CARRYING	:	
ASSEMBLIES	:	

This decision is in response to the "Request For Withdrawal As Attorney Or Agent Of Record And Change Of Correspondence Address" (Form PCT/SB/83) filed 02 October 2009.

The criteria for effecting a proper withdrawal of attorney are spelled out in Section 402.06 of the Manual of Patent Examining Procedure (M.P.E.P.) which reads, in part, as follows:

> In the event that a notice of withdrawal is filed by an attorney or agent of record... appropriate procedure will be followed pertaining to the withdrawal. The **withdrawal is effective when approved** rather than when received.
>
> To expedite the handling of requests for permission to withdraw as attorney, under 37 CFR 1.36, Form PTO/SB/83 may be used. Because the Office does not recognize law firms, each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another.
>
> The Commissioner of Patents and Trademarks usually requires that there be at least thirty days between *approval* of the withdrawal and the latter of the expiration date of a time response period 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). This is so that the applicant will have sufficient time to obtain other representation or take other action.

Attorney Robert C. Scheinfeld has provided a clear indication that the request for withdrawal is being made on behalf of himself and all other attorneys/agents associated with Customer Number 21003.

Since all of the criteria delineated in Section 402.06 of the M.P.E.P. have been complied with, the request for withdrawal as attorney of record is appropriately **GRANTED**.

Since neither a new power of attorney nor proper statement under 37 CFR 3.73(b) has been supplied, the address of record will be changed to that of the inventor.

The application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision, including updating USPTO records to remove above-named counsel as counsel of record and to update the correspondence address.

Derek A. Putonen
Petitions Attorney
Office of PCT Legal Administration
Tel: (571) 271-3294

cc:
Alan Leslie Bidwell
377 Williamstown Road
Yarraville, VIC 3013
AUSTRALIA

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No.

MILLEN, WHITE, ZELANO & BRANIGAN
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

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AUG 1 9 2003

OFFICE OF PETITIONS

In re Application of
Larry S. Millstein
Application No. 09/529,588
Filed: April 17, 2000
Attorney Docket No. LAMILL2

ON PETITION

This is a decision on the petition, filed August 18, 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 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]

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 1639 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

---

[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

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MAR 0 2 2005
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Millen, White, Zelano & Branigan, P.C.

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ALEXANDRIA, VA 22313-1450
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ARLINGTON VA 22201

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AUG 1 9 2003

OFFICE OF PETITIONS

In re Application of
Larry S. Millstein
Application No. 09/529,588
Filed: April 17, 2000
Attorney Docket No. LAMILL2

ON PETITION

This is a decision on the petition, filed August 18, 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 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]

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 1639 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

---

[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).

DKt-3
8/21/3

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

In re Application of	:	
Joerg Schwenk et al	:	
Application No. 09/529,644	:	DECISION ON PETITION
Filed: April 17, 2000	:	
Attorney Docket No. 2345/122	:	

This is a decision on the petition, filed June 4, 2007, under 37 CFR 1.137(b), 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.

The petition is **GRANTED**.

This application was held abandoned for failure to timely respond to the Office action of November 18, 2005, which set a three (3) month shortened statutory period for reply. A reply was due on or before February 18, 2006.

Petitioner states that a reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of a return postcard which acknowledges receipt by the U.S. Patent and Trademark Office (USPTO) on April 24, 2006 (certificate of mailing on April 18, 2006) of, *inter alia,* an amendment and a request for a two month extension of time with fee. A copy of the previously submitted reply accompanies the petition.

The amendment and extension acknowledged as having been received in the USPTO on April 24, 2006 is now of record in the application file. MPEP 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 USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

The petition fee of $1,500 submitted on June 4, 2007, is being credited to deposit account no. 11-0600 as authorized.

This application is being referred to Technology Center AU 2623 for appropriate action in the normal course of business on the reply received with petition and on April 24, 2006.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

AUG 14 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE, N W
WASHINGTON, DC 20037-3213

In re Application of AGARWAL et al. Application No.: 09/529,773 PCT No.: PCT/US98/21632 Int. Filing Date: 20 October 1998 Priority Date: 20 October 1997 Attorney Docket No.: A7046 For: A METHOD FOR UPLINK POWER CONTROL FOR DISTRIBUTED SATELLITE NETWORKS TO COMPENSATE FOR RAIN FADE	DECISION ON PETITION UNDER 37 CFR 1.181

This is a decision on applicants' "Request for Withdrawal of Abandonment" filed on 08 March 2001 in the United States Patent and Trademark Office (USPTO) in the above referenced application and treated as a petition under 37 CFR 1.181. No petition fee is required. This is also in response to applicants' status inquiry filed on 28 June 2001.

BACKGROUND

On 30 May 2000, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period were required.

On 23 February 2001, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants indicating that applicants had failed to respond to said Notification of Missing Requirements.

On 08 March 2001, applicants submitted the instant petition treated as a petition under 37 CFR 1.181 with a copy of an itemized receipt and a copy of the declaration and assignment allegedly deposited on 30 June 2000.

DISCUSSION

A review of the USPTO application file reveals that said declaration is not contained therein. To prove the timely filing of the declaration in response to the Notification of Missing Requirements, counsel provided an itemized receipt in the form of a transmittal letter, bearing a date-stamp "Filed JUN 30 2000". The letter indicates the submission of a declaration for 09/529,773. However, the date stamp on the itemized receipt does not conform with a USPTO date-stamp and appears to be a date-stamp affixed by the law firm to indicate the papers were filed.

The evidence submitted is insufficient to establish that the declaration for this application was received in the USPTO on 30 June 2000. Accordingly, it is inappropriate to accept the copy of the declaration as a replacement for the missing original declaration with a deposit date of 30 June 2000.

CONCLUSION

For the reasons stated above, the petition under 37 CFR 1.181 is **DISMISSED WITHOUT PREJUDICE**.

The application remains **ABANDONED**.

Any reconsideration on the merits of this petition should be entitled "Renewed Petition under 37 CFR 1.181".

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

CMK/cmk

Telephone: (703) 306-5467

JAN 10 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SUGHRUE MION ZINN MACPEAK & SEAS
2100 PENNSYLVANIA AVENUE, N W
WASHINGTON, DC 20037-3213

In re Application of AGARWAL et al. Application No.: 09/529,773 PCT No.: PCT/US98/21632 Int. Filing Date: 20 October 1998 Priority Date: 20 October 1997 Attorney Docket No.: A7046 For: A METHOD FOR UPLINK POWER CONTROL FOR DISTRIBUTED SATELLITE NETWORKS TO COMPENSATE FOR RAIN FADE	DECISION ON RENEWED PETITION UNDER 37 CFR 1.181

This is a decision on applicants' "Renewed Petition Under 37 CFR 1.181" for withdrawal of abandonment" filed on 07 November 2001 in the United States Patent and Trademark Office (USPTO) in the above referenced application. No petition fee is required. This is also in response to applicants' status inquiry filed with a copy of the renewed petition on 07 November 2001.

BACKGROUND

On 30 May 2000, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge for filing the oath or declaration after the thirty month period were required.

On 23 February 2001, a Notification of Abandonment (Form PCT/DO/EO/909) was mailed to applicants indicating that applicants had failed to respond to said Notification of Missing Requirements.

On 08 March 2001, applicants submitted a request with a copy of an itemized receipt and a copy of the declaration and assignment allegedly deposited on 30 June 2000, which was treated as a petition under 37 CFR 1.181.

On 17 August 2001, a decision was mailed to applicant indicating that the evidence submitted was insufficient to establish that the declaration for this application was received in the

On 13 September 2001, applicant filed a renewed petition under 37 CFR 1.181 along with a copy of an itemized receipt with date stamp by the USPTO "Jun 30 2000".

DISCUSSION

To prove the timely filing of the declaration in response to the Notification of Missing Requirements, counsel has now provided an itemized receipt in the form of a transmittal letter, bearing an official USPTO date-stamp "OPIE JUN 30 2000". The itemized receipt letter indicates the submission of a declaration for 09/529,773. The date stamp on the itemized receipt does conforms with a USPTO date-stamp.

The evidence submitted is sufficient to establish that the declaration for this application was received in the USPTO on 30 June 2000. Accordingly, it is appropriate to accept the copy of the declaration submitted on 08 March 2001 as a replacement for the missing original declaration with a deposit date of 30 June 2000.

CONCLUSION

For the reasons stated above, the petition under 37 CFR 1.181 is **GRANTED**.

The The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371(c) and 102(e) date is **30 June 2000.**

Cynthia M. Kratz

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

CMK/cmk

Telephone: (703) 306-5467

22 SEP 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

Song K. Jung
Long, Aldridge & Norman, LLP
701 Pennsylvania Avenue, N.W., Suite 601
Washington, D.C. 20004

In re Application of KONOVALOV, et al. Application No.: 09/529,948 PCT No.: PCT/BY98/00008 Int. Filing Date: 25 September 1998 Priority Date: 06 August 1997 For: LIQUID-CRYSTAL DISPLAY (VARIANTS) AND THE METHOD OF ITS FABRICATION	DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed in the Patent and Trademark Office (PTO) on 21 April 2000. The required petition fee of $1200.00 (37 CFR 1.17(m)) has been included.

BACKGROUND

On 25 September 1998, applicant filed international application PCT/BY98/00008, which claimed priority of an earlier application filed 06 August 1997. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 17 February 2000. Accordingly, the twenty-month period for paying the basic national fee in the United States expired at midnight on 06 April 1999.

On 06 April 1999, the application became abandoned for failure to pay the basic national fee for a U.S. national stage entry application.

On 21 April 2000, applicant filed the present petition.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that the application be revived on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the, "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this

paragraph was unintentional." and (4) any terminal disclaimer and fee pursuant to 37 CFR 1.137(c) (where required).

With regard to Item (1), the required reply is the payment of the Basic National Fee under 37 CFR 1.492(a) and filing of the U.S. national stage entry application. Applicant has included this payment along with Form PTO 1390 and specification including claims.

As to Item (2) the appropriate small entity petition fee of $1200.00 as required by 37 CFR 1.17(m) was submitted.

With regard to Item (3), applicant's statement that, "The entire delay in the national stage filing from the due date for the national stage filing until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies Item (3).

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

CONCLUSION

For the reasons above, the petition for revival is **GRANTED**.

It is noted that the application provided was missing pages 12 through 14 inclusive from the English translation. Therefore, this application is being returned to the United States Designated/Elected Office for processing in accordance with this decision, that is, for issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905), to inform applicant that the English translation is defective.

Richard Cole
Legal Examiner
PCT Legal Office

Derek A. Putonen
Petitions Attorney
PCT Legal Office
Tel: (703) 305-0130
Fax: (703) 308-6459

7 OCT 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

Song K. Jung
Long, Aldridge & Norman, LLP
701 Pennsylvania Avenue, N.W., Suite 601
Washington, D.C. 20004

In re Application of	:	
KONOVALOV, et al.	:	SUPPLEMENTAL
Application No.: 09/529,948	:	
PCT No.: PCT/BY98/00008	:	DECISION ON PETITION
Int. Filing Date: 25 September 1998	:	
Priority Date: 06 August 1997	:	UNDER 37 CFR 1.137(b)
For: LIQUID-CRYSTAL DISPLAY (VARIANTS)	:	
AND THE METHOD OF ITS FABRICATION	:	

This is a supplemental decision on applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed in the United States Patent and Trademark Office (USPTO) on 21 April 2000.

On 22 September 2000, applicant was mailed a decision granting applicant's "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" and noting that the English translation was missing pages 12 through 14 inclusive. Applicant was advised that a Notification of Missing Requirements (Form PCT/DO/EO/905) would be mailed. The office has now received a complete copy of the published international application which shows the entire English translation. Therefore, This application will be given an international application filing date of 25 September 1998 and a date of **21 April 2000** under 35 U.S.C. 371 and 102(e).

This application is being returned to the DO/EO/US for processing in accordance with this decision, namely, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Richard Cole
Legal Examiner
PCT Legal Office

Derek A. Putonen
Petitions Attorney
PCT Legal Office
Tel: (703) 305-0130
Fax: (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
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MCKENNA LONG & ALDRIDGE LLP
1900 K STREET, NW
WASHINGTON DC 20006

MAILED

FEB 16 2010

OFFICE OF PETITIONS

In re Patent No. 6,750,933	:	
Issue Date: June 15, 2004	:	
Application No. 09/529,948	:	ON PETITION
Filed: April 21, 2000	:	
Attorney Docket No. 8733.20070	:	

This is a decision on the petition under 37 CFR 1.378(c), filed October 3, 2008, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired at midnight June 15, 2008, for failure to pay the 3½ 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 JoAnne Burke at (571) 272-4584.

JoAnne Burke
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

Mailed: SEP 30 2002

VJ
Paper Number ~~13~~ 14

In re application of
Kenichi NAKAMA et al.
Serial No.: 09/529,990
Filed: April 24, 2000
For: MULTILAYER-COATED SUBSTRATE AND PROCESS FOR PRODUCING THE SAME

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.144 filed August 19, 2002 (Paper No. 12) to request a review and a withdrawal of a two-way restriction requirement set forth in the Office Action mailed February 7, 2002 (Paper No. 6).

DECISION

Since the present application was filed on the national stage under 35 USC 371, the propriety of a restriction requirement or "unity of invention" is evaluated by the criterion stated in PCT Rule 13 (or, alternatively, in 37 CFR 1.475(a)), namely, unity of invention exists between multiple inventions only when these inventions share one or more "special technical features" in common with the understanding that these special technical features define a contribution which each of the inventions makes over the prior art.

Applicants' principal argument is that 37 CFR 1.475(b) "expressly provides" that a product and a process specially adapted for the manufacture of said product will be considered as having unity of invention. This argument is unpersuasive in view of the preceding subsection of the cited rule, namely, 37 CFR 1.475(a) which, as stated above, requires that any technical features shared between the product and process must define a contribution over the prior art. It would defeat the purpose of the rule if solace could be sought in subsection (b) when the criterion of subsection (a) of 37 CFR 1.475 is not fulfilled.

A proper analysis for unity of invention begins with an identification of such shared technical features. Although, unfortunately, the examiner did not indicate what the special technical features were (cf. the restriction requirement in Paper No. 6) and compounded the problem by asserting that the technical feature present in Group I "is not found in Group II" (cf. examiner's response to applicants' traverse in paragraph 1 of the Office Action mailed April 18, 2002 in Paper No. 8), nevertheless, a perusal of the claims reveals that there is indeed a technical feature that is shared in common between the two Groups, namely, a multilayered object involving superposed layers

comprising organopolysiloxane on a substrate. Keeping that in mind, we turn to Andrus (US 5,212,596) cited by the examiner as disclosing such a multilayered object (cf. paragraph 1 in Paper No. 6). Particular attention is drawn to col. 2, lines 27-31 of Andrus which discloses a layered article comprising a viewing portion and a contiguously situated substrate portion, and, to col. 5, lines 7-8 which divulges that silicone (recognized in the synthetic resin art as an alternative name for polyorganosiloxane which applicants refer to as organopolysiloxane) is one of the preferred materials for the viewing portion. In light of Andrus, it is evident that the shared technical feature that links the claims of Groups I and II does not define a contribution over the cited prior art. Hence, the shared technical feature is not a "special technical feature" as defined by the criterion given in 37 CFR 1.475(a), or PCT Rule 13. Accordingly, Groups I and II lack unity of invention.

In view of the above discussion, having weighed both the examiner's position and the applicants' arguments, it is concluded that, on the balance, the restriction requirement is proper.

The petition is **DENIED**.

Richard V. Fisher

Richard V. Fisher, Director
Technology Center 1700
Chemical and Materials Engineering

SUGHRUE MION ZINN MACPEAK & SEAS
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : September 1, 2005

TO SPE OF : ART UNIT 2871

SN 09/530008

SUBJECT : Request for Certificate of Correction on Patent No.: 6,853,437 B1

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.

Magdalene Talley

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9309 ext. 116

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

2871
Art Unit

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BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

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JUN 13 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of	:	
Hiroyuki Shimizu et al	:	
Application No. 09/530,013	:	
Filed: April 24, 2000	:	
Attorney Docket No. 32-254P	:	

This is a decision on the petition, filed June 7, 2006, and supplemented on June 8, 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 April 24, 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) 272-3208.

The examiner of Technology Center AU 1655 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

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[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).

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PO BOX 747
FALLS CHURCH, VA 22040-0747

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JUN 14 2006

OFFICE OF PETITIONS

In re Application of :
Hiroyuki Shimizu, et al. :
Application No. 09/530,013 :
Filed: April 24, 2000 :
Attorney Docket No.: 32-254P :

ON PETITION

This is a decision on the petition, filed June 7, 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 April 24, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1655 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
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).

14 DEC 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

Herbert Cohen
BLANK ROME COMISKY & MCCAULEY
Wigman, Cohen, Leitner & Myers IP Group
900-17th Street, NW Suite 1000
Washington, D.C. 20006

In re Application of ALPEROVICH, Mark, et al. U.S. Application No.: 09/530,114 PCT No.: PCT/US98/23625 International Filing Date: 06 November 1998 Priority Date: 07 November 1997 Attorney's Docket No.: 109289.00138 For: FLUORESCENT COMPOSITION FOR THE MANUFACTURE OF CD-ROM TYPE OPTICAL MEMORY DISKS	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is issued in response to the "Petition Under 37 CFR 1.47(a)" filed on 18 September 2000. Applicants have been charged the required petition fee.

BACKGROUND

On 06 November 1998, applicants filed international application PCT/US98/23625 which claimed a priority date of 07 November 1997 and which designated the United States.

On 07 June 1999, a Demand was filed with the International Preliminary Examining Authority electing the United States. The election was made prior to the expiration of nineteen months from the priority date. As a result, the deadline for submission of the basic national fee was extended to expire thirty months from the priority date, i.e., 08 May 2000 (07 May 2000 was a Sunday).

On 25 April 2000, applicants filed a transmittal letter for entry into the national stage in the United States which indicates that it was accompanied by, among other materials, a check in the amount of $986 ($670 as the basic national fee, $130 as the surcharge for filing the declaration after the thirty month deadline, $108 for inclusion of six extra claims, and $78 for inclusion of one extra independent claim). A copy of the international application was not required because the international application had been filed in the United States Receiving Office.

On 19 June 2000, 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 was required. The Notification also informed applicants that the failure to submit this declaration within one month of the date of the Notification would result in abandonment of the application.

On 18 September 2000, applicants filed the "Petition Under 37 CFR 1.47(a)" accompanied by, among other materials: (1) a Declaration Of Alexander Libin regarding the circumstances of the nonsigning inventors' refusal to execute the application papers, and (2) a declaration executed by inventors Mark Alperovich, Eugene Levich, and Irene Zuhl, but not by co-inventors Boris Glushko and Vladimir Krupkin. The Petition was accompanied by a request for a two month extension of time to respond and a check for the $190 small entity fee for the two month extension. Based on this extension, the present petition is considered a timely response to the Notification Of Missing Requirements mailed on 19 June 2000. In addition, based on the authorization in the petition, Deposit Account No. 23-2185 has been charged $130 as the petition fee.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(I), (2) a statement of the last known address of the inventor; (3) an oath or declaration executed by the other inventors on their own behalf and on behalf of the non-signing inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort. As set forth below, applicants here have satisfied items (1), (2) and (4); however, they have failed to satisfy item (3).

Regarding items (1) and (2), applicants have been charged $130 payment for the petition fee, and the petition included a statement of the nonsigning co-inventors' last known addresses. Thus, items (1) and (2) are satisfied.

With respect to item (3), applicants section 409.03(a) of the Manual of Patent Examining Procedure ("MPEP") states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the available joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, the declaration submitted contains an unsigned signature block for the nonsigning co-inventors, Boris Glushko and Vladimir Krupkin, and it is executed by the other co-inventors, Mark Alperovich, Eugene Levich, and Irene Zuhl. Thus, the declaration can be treated as

having been executed by the available inventors on behalf of the nonsigning inventors. However, the declaration identifies the last inventor as Irene Zuhl. This inventor is identified as Irene Sul in the published international application. The declaration submitted therefore fails to satisfy the requirements of 37 CFR 1.497(a) and (b) in that it fails to properly identify the inventors. It is possible that the discrepancy can be explained as a simple typographical error. However, because applicants have not stated that this is the case and have not confirmed which of the two spellings is correct, the declaration cannot be accepted at this time. Applicants must submit a corrected declaration or, if the inventor's correct name is Zuhl, as set forth in the filed declaration, than applicants must provide a statement to that effect and, if factually appropriate, a statement that the discrepancy in the names was the result of a typographical error (if the discrepancy resulted from an actual change of the inventor's name, than a proper petition must be filed; see MPEP § 605.04(c)) . Based on the above, item (3) has not been satisfied. In addition, it is noted that the filing date of the international application is improperly identified as 25 April 2000 (the date on which the national stage application was initiated) rather than the correct date of 06 November 1998, as indicated in the international publication. A revised version of the declaration in which this date is corrected is required before further processing of the application can proceed.

As for item (4), applicants have submitted the Declaration Of Alexander Libin and exhibits thereto as evidence of the nonsigning inventors' refusal to execute the application documents. Paragraph three of Dr. Libin's declaration and Exhibits E and F thereto demonstrate that a complete copy of the application papers, including "the specification and drawings," were sent to the nonsigning inventors by Dr. Libin. Paragraph five of the declaration describes the express refusal of Boris Glushko to execute the application papers, which was made directly to Dr. Libin. As for Dr. Krupkin, Dr. Libin states that he has consistently refused to execute applications in the past. This statement, coupled with the evidence provided that Dr. Krupkin has twice been sent materials to execute for the present application but has failed to do so, is sufficient evidence that Dr. Krupkin has refused to execute the present application. Applicants have therefore provided the firsthand factual evidence required under section 409.03(d) of the MPEP to demonstrate the refusal to execute application documents by the two nonsigning co-inventors here. Item (4) is satisfied.

Because applicants have failed to satisfy all the requirements for a grantable petition under 37 CFR 1.47(a), the declaration filed on 18 September 2000 may not be accepted at the present time.

CONCLUSION

The "Petition Under 37 CFR 1.47(a)" is **DISMISSED** without prejudice.

Deposit Account No. 23-2185 has been charged the $130 petition fee.

If reconsideration on the merits of this petition is desired, a proper response 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 1.47(a)" and must include, as discussed above: (1) a corrected declaration which identifies the last inventor by the same name as set forth in the international application (Irene Sul), or (2) if the inventor's correct name is Zuhl, as set forth in the filed declaration, than applicants must provide a statement or petition, as discussed above.

Applicants must also submit a revised declaration in which the filing date for the international application executed by the declaration has been corrected.

Failure to file a proper response within the time limit set forth will result in abandonment of the international application as to the national stage in the United States.

Please address further correspondence with respect to this matter to the Assistant Commissioner for Patents, Box PCT, Washington, DC 20231, and direct the contents of the letter to the attention of the PCT Legal Office.

Boris Milef
PCT Legal Examiner
PCT Legal Office

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

RMR/BM :rmr

SEP 19 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Herbert Cohen
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900-17th Street, NW Suite 1000
Washington, D.C. 20006

In re Application of ALPEROVICH, Mark, et al. U.S. Application No.: 09/530,114 PCT No.: PCT/US98/23625 International Filing Date: 06 November 1998 Priority Date: 07 November 1997 Attorney's Docket No.: 109289.00138 For: FLUORESCENT COMPOSITION FOR THE MANUFACTURE OF CD-ROM TYPE OPTICAL MEMORY DISKS	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

In a decision mailed this Office on 14 December 2000, applicants' petition under 37 CFR 1.47(a) was dismissed for failure to satisfy all the requirements for a grantable petition. Specifically, applicants had not provided an acceptable oath or declaration executed by the other inventors on their own behalf and on behalf of the non-signing inventor. The decision found that the filed declaration was unacceptable because: (1) the declaration identified the last inventor as Irene Zuhl, while this inventor was identified as Irene Sul in the published international application; and (2) the filing date of the international application was improperly identified as 25 April 2000 (the date on which the national stage application was initiated) rather than the correct date of 06 November 1998.

On 05 February 2001, applicants filed the renewed petition considered herein. The renewed petition expressly states that the correct name for the last inventor is Zuhl, as set forth in the declaration, and the petition was accompanied by a revised declaration which properly states the filing date for the application.

Based on the statement confirming the correct name of inventor Irene Zuhl, the declaration filed on 18 September 2000 is now acceptable in satisfaction of the declaration requirement for a grantable petition. Accordingly, applicants have satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). The renewed petition is **GRANTED**.

The application is accepted without the signatures of the nonsigning inventors. As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventors at the last known addresses of record as set forth in the petition, and a notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

Finally, the revised declaration filed 05 February 2001 permits further processing of the application (in that it corrects the informality regarding the filing date. Accordingly, the application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing. The 35 U.S.C. 371 date is 18 September 2000.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

RMR/LS:rmr

SEP 19 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Vladimir KRUPKIN
5/27 Reuven & Batsheva Str.
Rishon Le-Zion 75357
Israel

In re Application of
ALPEROVICH, Mark, et al.
U.S. Application No.: 09/530,114
PCT No.: PCT/US98/23625
International Filing Date: 06 November 1998
Priority Date: 07 November 1997
Attorney's Docket No.: 109289.00138
For: FLUORESCENT COMPOSITION FOR THE MANUFACTURE OF CD-ROM TYPE OPTICAL MEMORY DISKS

Dear Mr. Krupkin:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

RMR/LS:rmr

Counsel of Record:
Herbert Cohen
BLANK ROME COMISKY & MCCAULEY
Wigman, Cohen, Leitner & Myers IP Group
900-17th Street, NW Suite 1000
Washington, D.C. 20006

SEP 19 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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Boris GLUSHKO
Rotshild Street 19/6
77516 Ashdod, Israel

In re Application of
ALPEROVICH, Mark, et al.
U.S. Application No.: 09/530,114
PCT No.: PCT/US98/23625
International Filing Date: 06 November 1998
Priority Date: 07 November 1997
Attorney's Docket No.: 109289.00138
For: FLUORESCENT COMPOSITION FOR THE MANUFACTURE OF CD-ROM TYPE OPTICAL MEMORY DISKS

Dear Mr. Glushko:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
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Facsimile: (703) 308-6459

RMR/LS:rmr

Counsel of Record:
Herbert Cohen
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Wigman, Cohen, Leitner & Myers IP Group
900-17th Street, NW Suite 1000
Washington, D.C. 20006

APR 2 7 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

#5

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Michael K. Mutter
Birch, Stewart, Kolasch & Birch
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of	:	
Hasegawa et al.	:	DECISION ON
Application No.: 09/530136	:	
PCT No.: PCT/JP98/04815	:	REQUEST FOR
Int. Filing Date: 23 October 1998	:	
Priority Date: 27 October 1997	:	CORRECTED
Attorney's Docket No.: 1163-0271P	:	
For: Image Coding Apparatus, Image Coding Method,	:	FILING RECEIPT
Image Decoding Apparatus & Image Making	:	

This is in response to applicants' "Request for Corrected Filing Receipt" filed on 05 December 2000.

BACKGROUND

Applicants filed this international application on 23 October 1998, and claimed an earliest priority date of 27 October 1997. The International Bureau transmitted a copy of the published international application to the United States Patent and Trademark Office on 06 May 1999. A Demand electing the United States was filed on 07 May 1999, which was prior to the elapse of 19 months from the priority date. Accordingly, the thirty-month time period to pay the basic national fee in the United States expired as of midnight on 27 April 2000.

On 27 April 2000, applicants filed a Transmittal Letter accompanied by, *inter alia*, an executed declaration of the inventors and the required basic national fee.

On 11 July 2000, a Notification of Acceptance (Form PCT/DO/EO/903) was mailed to applicants.

Applicants filed the instant "Request For A Corrected Official Filing Receipt" on 05 December 2000.

DISCUSSION

Review of the record reveals that the published international application and the executed

declaration filed on 27 April 2000 both named Kohtaro Asai as the fourth listed inventor, whereas the official filing receipt listed "Hohtaro Asai." It would be appropriate to correct the filing receipt to correctly identify the fourth inventor as "Kohtaro Asai."

Review of the record further reveals that four independent claims (1, 10, 17 and 19) were present in the application on 27 April 2000, rather than one as indicated on the official filing receipt. Accordingly, it would be appropriate to correct the filing receipt to correctly identify the number of independent claims as "4."

DECISION

The request for a corrected filing receipt is **GRANTED**.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for continued processing, including the preparation and mailing of a corrected filing receipt. The filing receipt will be corrected to show "Kohtaro Asai" as the fourth listed inventor, and "4" as the number of independent claims.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
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Paper No. 19
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NOV 3 - 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

In re Application of:
Yuri Hasegawa, et al.
Application No.: 09/530,136
Filed: April 27, 2000
For: **IMAGE ENCODING DEVICE, IMAGE ENCODING METHOD, IMAGE DECODING DEVICE AND IMAGE DECODING METHOD**

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the Petition to Withdraw Holding of Abandonment filed June 14, 2004, pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The petition is **GRANTED**.

This application was held abandoned for failure to properly and timely respond with respect to the Notice of Appeal filed November 3, 2003. A Notice of Abandonment was mailed June 3, 2004.

In support of the petition, petitioners has included with the petition a copy of a Request for Continued Examination, a copy of a petition for five month extension of time, and USPTO post card receipt that is date stamped June 1, 2004, indicating PTO receipt of the RCE before the expiration of the period for response.

A review of the file record reveals that Applicant's Request for Continued Examination, with submission, has been matched with the application. The Office's revenue accounting and management software indicates that Applicant's fees for the five (5) month extensions of time and RCE filing fee, was received on June 1, 2004 and processed on June 2, 2004. Therefore, the record is clear that the application was ***not abandoned in fact***.

Therefore, the Notice of Abandonment is vacated and the holding of abandonment withdrawn. The Office regrets any inconvenience caused by the mailing of the Notice of Abandonment.

The application file is being forwarded to TC 2600's Technical Support Staff for processing the Request for Continued Examination entry of Applicant's submission. From there, the application will be forwarded to the examiner to be processed in appropriate turn.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES
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Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.USPTO.gov

#15

WAK
Paper Number

Mailed: JAN - 3 2003

In re application of: Kimura et al.
Serial Number: 09/530,196
Filed: August 22, 2000
For: METALLIC PLATE OR RESIN STRUCTURE HAVING PHOTOCATALYST-SUPPORTING FILM LAMINATED THERETO

DECISION
ON PETITION

This is a decision on the PETITION TO RESET A PERIOD FOR REPLY DUE TO LATE RECEIPT OF AN OFFICE ACTION, filed September 30, 2002. The petition requests that the period for reply to the Office action dated March 22, 2002 be restarted and a retroactive rescinding of any prospective Notice of Abandonment. A Notice of Abandonment was mailed out October 02, 2002.

DECISION

Since the petitioner asserts that the applicant did not receive the Office letter mailed March 22, 2002, the 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, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.02 - NEW PROCEDURE TMOG 1170 O.G. 114).

As set forth in MPEP § 711.03(c) II - PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION:

> *"The showing required to establish the 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 the practitioner's statement."*

The evidence presented is insufficient, under MPEP 711.03(c)(II) to establish that the Office letter mailed on March 22. 2002 was not received at the applicant's correspondence address. The evidence provided includes a statement by the petitioner that the Office letter mailed on March 22, 2002 was not received by the applicant, but the instant petition does not contain a statement attesting that a search of the docket records or equivalent documents were made and the results of such a search revealed that the Office letter mailed on March 22, 2002 was not received and it fails to contain a copy of the docket record or any equivalent documents where the nonreceived Office communication would have been entered had it been received.

The petition is **DENIED.**

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

VENABLE
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FEB 2 0 2001

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#24

Kenyon & Kenyon
One Broadway
New York, New York 10004

In re Application of BERGER, Jens U.S. Application No.: 09/530,389 PCT No.: PCT/EP99/05972 International Filing Date: 14 August 1999 Priority Date: 27 August 1998 Attorney's Docket No.: 2345/187 For: METHOD FOR INSTRUMENTAL VOICE QUALITY EVALUATION	DECISION ON PETITION UNDER 37 CFR 1.182

In a communication mailed by this Office on 31 May 2000, applicants were informed of an apparent typographical error in the transmittal letter filed 27 April 2000 to initiate this national stage application. Specifically, the transmittal letter identified the international application to which it was directed as PCT/EP98/05972, although other indications were that the international application intended was PCT/EP99/05972.

On 28 June 2000, applicant filed the "Petition To Correct Error In Transmittal Letter (Form PTO-1390) Under 37 CFR 1.182" considered herein. This petition included the authorization to charge Deposit Account No. 11-0600 for the $130 petition fee, and it confirmed that the international application identified in the transmittal letter was intended to read PCT/EP99/05972.

Applicant's petition under 37 CFR 1.182 is **GRANTED**. The transmittal letter filed 27 April 2000 is corrected so as to indicate the proper international application of PCT/EP99/05972.

A review of the materials submitted by applicant on 27 April 2000 reveals that the purported translation of the international application is unacceptable because the drawings contain untranslated German text (see PCT Rule 49.5(d)). It is also noted that the Preliminary Amendment filed on 27 April 2000 refers to "amended Figs 2a, 2b, and 3 submitted herewith." No such amended figures are present in the application file.

This application is being forwarded to the National Stage Processing Branch of the PCT Operations Division for further processing in accord with this decision, including the mailing of a Notification Of Missing Requirements and a Notification Of A Defective Translation indicating

that applicant must submit: (1) a proper translation, including translated drawings, and (2) the $130 processing fee for filing the translation after the twenty month deadline.

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PCT Legal Office

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
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RMR/BM:rmr

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

LERNER, DAVID, LITTENBERG,
KRUMHOLTZ & MENTLIK
600 South Avenue West
Westfield, NJ 07090

In re Application of	:	
EDSTROM, Tomas	:	
U.S. Application No.: 09/530,394	:	DECISION ON PETITION
PCT No.: PCT/SE98/00941	:	TO REVIVE ABANDONED
International Filing Date: 20 May 1998	:	APPLICATION UNDER 37
Priority Date: 23 June 1997	:	CFR 1.137(b)
Attorney's Docket No.: SUNDS-112	:	
For: BINDING MEANS	:	

This decision is issued in response to applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)" filed on 26 April 2000. Applicant has paid the required petition fee.

BACKGROUND

On 20 May 1998, applicant filed international application PCT/SE98/00941 which claimed a priority date of 23 June 1997 and which designated the United States. On 30 December 1998, a copy of the international application was transmitted to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB").

On 13 January 1999, 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 IB) and payment of the basic national fee was extended to expire 30 months from the priority date, i.e., 23 December 1999.

On 26 April 2000, applicant filed the Petition For Revival considered herein, with accompanying materials.

DISCUSSION

37 CFR 1.137(b) permits the filing of a petition to revive an abandoned application where the abandonment resulted from an unintentional delay. A grantable petition under this section

must include: (1) the required reply, unless previously filed; (2) the petition fee required by law; (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional;" and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

Regarding item (1), the "required reply," section 711.03(c), of the Manual of Patent Examining Procedures states that:

> [g]enerally, the required reply is the reply sufficient to have avoided abandonment, had such reply been timely filed.

Here, a copy of the international application had already been transmitted to the USPTO by the IB. The "required reply" was therefore payment of the basic national fee. The Form 1390 Transmittal Letter submitted by applicant with the Petition For Revival on 26 April 2000 included the authorization to charge Deposit Account No. 12-1095 for the basic national fee. Thus, applicant has made a submission which would have been "sufficient to have avoided abandonment" had it been made in a timely manner, that is, on or before 23 December 1999. Accordingly, applicant has submitted the "required reply." Item (1) is satisfied.

Item (2) is the petition fee required under 37 CFR 1.17(m). The Petition For Revival provided authorization to charge Deposit Account No. 12-1095 $1,210 for the petition fee. Item (2) is satisfied.

As for item (3), the Petition For Revival expressly states that the "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." Item (3) under 37 CFR 1.137(b) is satisfied.

Under the terms of 37 CFR 1.137(c), the terminal disclaimer listed as item (4) above is not required for this application. Applicants have therefore satisfied all the requirements for a grantable petition under 37 CFR 1.137(b). The Petition For Revival is granted.

The Petition For Revival was accompanied by an executed declaration in compliance with 37 CFR 1.497(a) and (b), and the Form 1390 submitted authorized a charge for "any additional fees which may be required." Based on this authorization, Deposit Account No. 12-1095 has been charged $130 as the surcharge for filing the declaration later than 30 months from the priority date. Accordingly, as of 26 April 2000, applicant had complied with the requirements of 35 U.S.C. 371(c).

CONCLUSION

Applicants' Petition For Revival is **GRANTED**.

The application has an international filing date of 20 May 1998 under 35 U.S.C. 363 and a date of 26 April 2000 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 in accord with this decision, including the mailing of a Notification Of Acceptance Of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

Richard Cole
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PCT Legal Office

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
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RMR/RC:rmr

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Paper No. 17

PATRICIA L. KELLY
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1007 MARKET STREET
WILMINGTON, DE 19898

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SEP 29 2003
OFFICE OF PETITIONS

In re Application of :
Chun Sing Wong :
Application No. 09/530,673 :
Filed: June 21, 2000 :
Patent No.: 6,331,592 :
Issued: December 18, 2001 :
Attorney Docket No. :
717119.223 :

This is a decision on the Petition under 37 CFR 1.182, filed August 11, 2003, to correct the inventorship in a patent.

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(a) are permitted. The reconsideration request should include a cover letter entitled "Petition under 37 CFR 1.324", and be addressed to Petitions Attorney Derek L. Woods. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The application was filed with a fully executed oath or declaration listing Chun Sing Wong as the sole inventor. The application issued as U.S. Patent No. 6,331,592 on December 18, 2001.

Petitioner filed a Request for Certificate of Correction (hereinafter 'Request'), wherein Applicant sought to correct the inventive entity and add as an inventor, Robert Benham Fish, Jr. That Request was denied in a Decision mailed August 29, 2002. In the August 29, 2002 Decision, Applicant was informed that a petition under 37 CFR 1.182 is required to correct the order of inventor's names.

In response to that Decision, Applicant files the instant petition.

While it is correct that a petition under 37 CFR 1.182 is required to correct the order of inventors, in this instance Applicant is seeking to correct the inventive entity in a patent. The appropriate venue for such relief is a petition under 37 CFR 1.324.

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

By mail: Mail Stop Petitions
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

By hand: Crystal Plaza Four, Suite 3C23
2201 S. Clark Place
Arlington, VA 22202-3513

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions 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

FEB 18 2004

Mailed: Paper Number 19

In re Patent No. 6,331,592	:	
Issue Date: December 18, 2001	:	DECISION
Appl. No.: 09/530,673	:	GRANTING
Filed: Sept. 17, 1998	:	PETITION
For: NON-MASSING TOUGHENERS FOR POLYAMIDES		37 CFR 1.324

This is a decision on the petition filed on Nov. 28, 2003 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.

James J. Seidleck, Supervisory Patent Examiner
Art Unit 1711
Technology Center 1700

Lori-Ann Johnson
FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER, L.L.P.
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Paper No. 12

JOSEPH B LERCH
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OFFICE OF PETITIONS

In re Application of
Dan Charash
Application No. 09/530,684
Filed: July 20, 2000
Attorney Docket No. 2013/1E251US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 5, 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 January 29, 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 April 30, 2002.

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.

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 Cheryl Gibson-Baylor at (703)308-5111.

The application file is being forwarded to Technology Center 3700, Art Unit 3736.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Joseph B. Lerch
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Post Office Box 5257
New York, NY 10150-5257

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Paper No. 10

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. BOX 747
FALLS CHURCH, VA 22040-0747

MAIL

JUN 25 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Tadashi Yamaura
Application No.:09/530,719
Filed: May 04, 2000
For: SOUND ENCODING METHOD AND SOUND DECODING METHOD AND SOUND ENCODING DEVICE AND SOUND DECODING DEVICE

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed June 06, 2002, to make the above-identified application special pursuant to M.P.E.P. § 708.02 (VIII).

A grantable petition to make special in accordance with M.P.E.P. § 708.02, Item VIII, must be accompanied by (a) the fee set forth in 37 C.F.R. § 1.17(I), (b) a statement that all claims are directed to a single invention or an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention, (c) a statement that a pre-examination search has been made by the inventor, attorney, agent, professional searcher, etc., and a listing of the field of search by class and subclass, (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) a detailed description of the submitted references and discussions pointing out how the claimed subject matter is distinguishable over these references.

The petition meets the above stated requirements and is **GRANTED**.

The application will retain its special status throughout its entire course of prosecution in the Patent and Trademark Office, including appeal, if any to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application file will be forwarded to the examiner for expedited prosecution.

For Kenneth A. Wieder, SPRE
Technology Center 2600
Communications
(703) 305-4710

FEB 2 6 2001

#7

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Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

In re Application of	:	DECISION ON
Yoseph KOLTUNOV et al.	:	
Application No.: 09/530,758	:	
PCT No.: PCT/IL98/00568	:	PETITION
Int. Filing Date: 20 November 1998	:	
Priority Date: 20 November 1997	:	
Attorney's Docket No.: 106153	:	UNDER 37 CFR 1.47 (a)

For: DETERMINATION AND RECOGNITION OF OBJECTS BY MULTISPECTRAL SENSING

This decision is in response to applicants' "PETITION UNDER 37 CFR 1.147(a) FOR ACCEPTANCE OF APPLICATION WHERE AN INVENTOR HAS REFUSED TO SIGN" filed 30 November 2000, seeking the acceptance of the application without the signature of the co-inventor Yoseph (Joseph) Koltunov.

BACKGROUND

On 30 June 2000, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration and the surcharge for supplying the oath or declaration later than 30 months must be filed. The notification set a one-month time limit in which to respond.

On 30 November 2000, the applicants filed the following papers:

(1) petition under 37 CFR 1.47(a)

(2) the petition fee;

(3) a declaration signed by the joint inventors Alexander Maximov, Igor Meitin, Motti Allon, Glen Guttman, and Arik Kershenbaum on their behalves and on behalf of the joint inventor Yoseph Koltunov;

(4) a statement by Ms. Tova Faynero accompanied by exhibits setting forth facts relating to Mr. Koltunov's refusal to sign;

(5) the last known address of Mr. Koltunov; and

(6) a petition and fee for a four-month extension of time.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17(h); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing inventor; and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Applicant has satisfied items (1)-(3) above. With regard to item (4), the declaration is illegible. Furthermore, there appears to be two of the page number two. Accordingly, the one declaration would not list the first and last named applicant and would not identify the application to which the declaration is directed. Accordingly, the declaration fails to comply with 37 CFR 1.497.

CONCLUSION

The petition under 37 CFR 1.47(a) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response 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 1.47(a)". No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Assistant Commissioner for Patents, PCT Legal Office, Box PCT, Washington, D.C. 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

Harry Kim
PCT Legal Office

Leonard Smith
PCT Legal Examiner
PCT Legal Office

Telephone: (703) 308-6162
Facsimile: (703) 308-6459

AUG 31 2001
UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, VA 22320

In re Application of KOLTUNOV et al	:	
U.S. Application No.: 09/530,758	:	
Int. Application No.: PCT/IL98/00568	:	
Int. Filing Date: 20 November 1998	:	DECISION
Priority Date: 20 November 1997	:	
Attorney Docket No.: 106153	:	
For: DETERMINATION OF TEMPERATURE AND/OR EMISSIVITY FUNCTION OF OBJECTS BY REMOTE SENSING	:	

This is in response to applicants' "Request for Withdrawal of Holding of Abandonment" filed 21 June 2001, "Renewed Petition Under 37 C.F.R. § 1.47(A)" purportedly filed on 26 April 2001, and declaration purportedly filed on 11 May 2001.

BACKGROUND

On 20 November 1998, applicants filed international application PCT/IL98/00568, which claimed priority of an earlier Israel application filed 20 November 1997. A copy of the international application was communicated to the USPTO from the International Bureau on 03 June 1999. A Demand for international preliminary examination, in which the United States was elected, was filed on 02 June 1999, prior to the expiration of nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 20 May 2000.

On 04 May 2000, applicants filed national stage papers in the United States. The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1).

On 30 June 2000, 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), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed along with a surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty (30) months from the priority date.

On 30 November 2000, applicants filed a response to the Notification of Missing Requirements, including a declaration signed by five of the six joint inventors and a petition under 37 CFR 1.47(a).

On 11 December 2000, the DO/EO/US mailed a Notification of a Defective Response (Form PCT/DO/EO/916) along with a Notification of a Defective Oath or Declaration (Form PCT/DO/EO/917), which indicated that the declaration filed 30 November 2000 is not properly executed.

On 03 January 2001, applicants filed a response to the Notification of a Defective Response.

On 26 February 2001, the PCT Legal Office of the USPTO mailed a decision dismissing the petition under 37 CFR 1.47(a) filed 30 November 2000 on grounds that the declaration filed 30 November 2000 is not in proper format.

On 13 June 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909), which indicated that the application is abandoned as to the United States for failure to respond to the 26 February 2001 decision within the time period set therein.

On 21 June 2001, applicants filed the present request to withdraw the holding of abandonment. The request states that it is accompanied by a copy of renewed petition under 37 CFR 1.47(a) purportedly filed on 26 April 2001 and a copy of a return postcard which lists a renewed petition under 37 CFR 1.47(a) in its itemized contents and bears a USPTO date stamp of 26 April 2001. In addition, the request states that it is accompanied by a copy of declaration purportedly filed on 11 May 2001 and a copy of a return postcard which lists a declaration in its itemized contents and bears a USPTO date stamp of 11 May 2001.

DISCUSSION

I. Request for Withdrawal of the Holding of Abandonment

The evidence of record is sufficient to establish that the renewed petition under 37 CFR 1.47(a) was originally filed on 26 April 2001. Specifically, the copy of the return postcard, which includes a "Renewed Petition Under 37 C.F.R. § 1.47(a)" in its itemized contents and which bears a USPTO date stamp of 26 April 2001, serves as *prima facie* evidence that the declaration was received by the USPTO on 26 April 2001.

II. Submission of Declaration on 11 May 2001

The evidence of record is sufficient to establish that a declaration was originally filed on 11 May 2001. Specifically, the copy of the return postcard, which includes a "Complete Executed

Declaration/Power of Attorney" in its itemized contents and which bears a USPTO date stamp of 11 May 2001, serves as *prima facie* evidence that the declaration was received by the USPTO on 11 May 2001.

The declaration filed on 11 May 2001 is improper. Specifically, it is not sufficient to submit only the signature page of a declaration. Applicants must file either: 1) a single complete declaration signed by all of the inventors or 2) multiple complete declarations, with each inventor's signature appearing on one of the multiple complete declarations.

CONCLUSION

For the reasons set forth in §I above, the request to withdraw the holding of abandonment is GRANTED.

The Notification of Abandonment (Form PCT/DO/EO/909) mailed 13 June 2001 is hereby VACATED.

A proper response must be filed within TWO (2) MONTHS from the mail date of this decision. A proper response must include a properly executed declaration as set forth in §II above. Failure to timely file a proper response will result in ABANDONMENT of the application.

Please direct further correspondence with respect to this matter to the Commissioner for Patents, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the PCT Legal Office.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

#11

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

08 OCT 2003

Mattingly, Stanger & Malur
1800 Diagonal Road, Suite 370
Alexandria, VA 22314

In re Application of TODA et al Application No.: 09/530,787 PCT No.: PCT/JP98/05002 Int. Filing Date: 6 Nov. 1998 Priority Date: 6 Nov. 1997 Attorney's Docket No.: NIT- 195 For: DATA PROCESSOR AND DATA PROCESSING SYSTEM	DECISION ON PETITION TO CORRECT FILING DATE

This decision is in response to applicants' "Petition to Correct Filing Date"filed 25 July 2003 requesting: 1) correction of the filing date of the present application to 19 July 2000, and 2) issuance of a corrected Office action identifying the filing date as 19 July 2000 instead of 19 June 2000. The petition is **GRANTED** as follows:

The actual filing date of the instant application is the international filing date of the international application. PCT Article 11(3) and 35 U.S.C. 363. The "filing date" to be indicated on the official filing receipt (PTO-103X), however, is the date on which the last of the requirements under 35 U.S.C. 371(c) have been received. See MPEP 1893.03(b). As correctly indicated in the Notification of Acceptance Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 27 July 2000, this latter "filing date" is 19 July 2000, i.e., the date applicants completed the requirements under 37 U.S.C. 371(c) by submitting an acceptable declaration. Thus, 19 July 2000 should be the date appearing as the "filing date" in the official filing receipt and in the Office's computerized database.

With regard to petitioners' request for issuance of a corrected Office action because of the incorrect identification of the filing date in the Office action, this is a matter to be decided by the Technology Center. MPEP 1002.02(c).

Accordingly, this application is being forwarded to the National Stage Processing Branch for issuance of a corrected filing receipt and correction of the Office's database to indicate a "filing date" of **19 July 2000**. Thereafter, the application will be returned to Technology Center 2100 to determine whether issuance of a corrected Office action is warranted.

Boris Milef
Legal Examiner
PCT Legal Office
Telephone: (703) 308-3659
Facsimile: (703) 308-6459

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

29 AUG 2000

Chinh H. Pham
FOLEY, HOAG & ELIOT LLP
One Post Office Square
Boston, Massachusetts 02109-2170

In re Application of David ELMALEH, et al. Application No.: 09/530,818 PCT No.: PCT/US98/18685 Int. Filing Date: 08 September 1998 Priority Date: 08 September 1997 Attorney Docket No.: MGA-004.25 For: IMAGING AGENTS FOR EARLY DETECTION AND MONITORING OF CARDIOVASCULAR PLAQUE	DECISION ON PETITION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 05 May 2000 in the above-captioned application is hereby **GRANTED** as follows:

The appropriate petition fee for a small entity as required by 37 CFR 1.17(m) has been submitted.

All of the requirements of 37 CFR 1.137(b) for revival have been submitted. Applicants did state that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3) at the time of filing this petition.

The request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

The application is being forwarded to the United States Designated/Elected Office for further processing including the issuance of a Notification of Missing Requirements under 35 U.S.C. 371(c) and 37 CFR 1.495 (Form PCT/DO/ EO/905) to inform applicants that an oath or declaration of the inventors along with the $65.00 surcharge for filing an oath or

declaration after 30 months must be submitted in order to avoid abandonment of the application as to the national stage in the United States.

Boris Milef
PCT Legal Examiner
PCT Legal Office

Nguyên Ngoc-Hô
Paralegal Specialist
PCT Legal Office

NNH/BM:hn

Tel: (703) 308-6508
Fax: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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Stephen H. Wilson
Griffith Hack
509 St. Kilda Road
Melbourne VIC 3-004
AUSTRALIA

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FEB 0 1 2007

OFFICE OF PETITIONS

In re Patent No. 6,336,887	:	
Issue Date: January 8, 2002	:	
Application No. 09/530,895	:	NOTICE
Filed: May 5, 2000	:	
Attorney Docket No. GRHK 4330	:	

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**. Deposit account no. 19-1345 will be charged $2,207.00.

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) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

CC: JAMES DAVID HARPER
SENNIGER POWERS
ONE METROPOLITAN SQUARE, 16TH FLOOR
ST. LOUIS, MO 63102

UNITED STATES 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 Sep-06

KENYON & KENYON LLP
ONE BROADWAY
NEW YORK NY 10004

COPY MAILED
SEP 25 2006
OFFICE OF PETITIONS

In re Patent No. 6,732,572	:	
Issued: 11 May, 2004	:	
Application No. 09/530,936	:	ON PETITION
Filed: 18 August, 2000	:	
Atty Dckt No. 11150/8	:	

This is a decision on the petition filed on 8 May, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioners.

The petition is **granted**.

The assignee data will be corrected to **-Volkswagen AG, Wolfsburg (DE) and Mobil Schmierstoff GmbH, Hamburg (DE)-**.

The duplicate processing fee paid with the request filed on 8 May, 2006, will be refunded to counsel's deposit account, as the processing fee was previously paid.

Telephone inquires concerning this matter may be directed to the undersigned at 571.272.3231. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at 703.305.8309.

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

DWood
Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] See Official Gazette of 22 June, 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. 7

MAIL

AUG 17 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

GERALD H. KIEL
REED SMITH LLP
375 PARK AVENUE
NEW YORK, NY 10152

In re Application of:
Aleksandr Fyedorovich LUKIN
Application No.: 09/530,937
Filed: May 5, 2000
For: TELEPHONE NETWORK FOR A STRUCTURED ITEM AND TELEPHONE COMMUNICATION SYSTEM BETWEEN REMOTE STRUCTURES USING THIS NETWORK

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney of record filed July 16, 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**.

The following attorney(s) are withdrawn from the record: Gerald H. Kiel, and all other attorneys of record as documented on the Declaration and Power of Attorney with the exception of J. Harold Nissen.

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

cc: J. HAROLD NISSEN, ESQ.
LACKENBACK SIEGEL MARZULLO
ARONSON & GREENSPAN
ONE CHASE ROAD, PENTHOUSE SUITE
SCARSDALE, NY 10583

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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AKIN GUMP STRAUSS HAUER & FELD LLP
1111 LOUISIANA, 44TH FLOOR
HOUSTON, TX 77002-5200

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DEC 23 2004

OFFICE OF PETITIONS

In re Application of	:	
Martha A. Warpehoski et al	:	
Application No. 09/530,965	:	DECISION GRANTING PETITION
Filed: May 18, 2000	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. H053912.0081USO	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 29, 2004, 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 2, 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. Accordingly, the above-identified application became abandoned on January 3, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (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 2, 2003 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1614 for processing the Request for Continued Examination and for such 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

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AKIN GUMP STRAUSS HAUER & FELD LLP
1111 LOUISIANA, 44TH FLOOR
HOUSTON, TX 77002-5200

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DEC 23 2004

OFFICE OF PETITIONS

In re Application of	:	
Martha A. Warpehoski et al	:	
Application No. 09/530,965	:	DECISION GRANTING PETITION
Filed: May 18, 2000	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. H053912.0081USO	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 29, 2004, 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 2, 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. Accordingly, the above-identified application became abandoned on January 3, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply; (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 2, 2003 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1614 for processing the Request for Continued Examination and for such 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

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P.O. Box 1450
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In re Patent No. 6435449
Issue Date: August 20,2002
Application No. 09530979
Filed: June 30,2000
Attorney Docket No. 67190/973850

:
: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.

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)
6435449	2002-08-20	09530979	2000-06-30	67190-973850

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	/Daniel J. Staudt/	Date (YYYY-MM-DD)	2008-02-14
Name	Daniel J. Staudt	Registration Number	34733

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.

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IP AUTHORITY, LLC
RAMRAJ SOUNDARARAJAN
9435 LORTON MARKET STREET #801
LORTON VA 22079

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SEP 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Edlund, et al.	:	
Application No. 09/531,016	:	DECISION ON PETITION
Filed: March 20, 2000	:	
Attorney Docket No. AM9-99-0216	:	

This is a decision on the petition under 37 CFR 1.137(a), filed July 11, 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.

The petition under 37 CFR 1.81 is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

This application was held abandoned for failure to timely pay the issue fee on or before May 1, 2007, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed February 1, 2007.

Petitioners assert that the Notice dated February 1, 2007 was not received at the correspondence address of record.

A review of the written record indicates no irregularity in the mailing of the Notice, and, in the absence of any irregularity, there is a strong presumption that the Notice was properly mailed to the practitioner at the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. In this regard, the showing required to establish the failure to receive the Notice must consist of the following:

1. a statement from practitioner stating that the Notice 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 Notice was not received; and
3. a copy of the docket record where the nonreceived Notice would have been entered and docketed had it been received must be attached to and referenced in the practitioner'statement.

See MPEP § 711.03(c) under subheading "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action," and "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 Official Gazette 53 (November 16, 1993).
The petition satisfies the above-stated requirements. Accordingly, the application was not abandoned in fact.

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

The $500.00 petition fee will be credited to petitioners' deposit account shortly.

Applicants have paid the $1.400.00 publication fee and submitted a completed PTOL-85B. Therefore, it is unnecessary to remail the Notice of Allowability and the Notice of Allowance and Fee(s) Due of February 1, 2007 and thereby set a new period for reply.

After the mailing of this decision, the application file will be forwarded to Publications Division for processing into a patent.

Shirene Willis Brantley
Senior 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. 4

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OCT 0 6 2000

OFFICE OF PETITIONS
A/C PATENTS

FULBRIGHT & JAWORSKI LLP
600 CONGRESS AVENUE
SUITE 2400
AUSTIN , TX 78701

In re Application of:
PREUSS, DAPHNE, *et al.*
Application No. 09/531,120
Filed: 03/17/2000
Attorney Docket No. ARCD:P-01912

DECISION GRANTING PETITION

This is a decision on the petition under 37 C.F.R. §1.10(c), filed on August 11, 2000, requesting that the above-identified application be accorded a filing date of March 17, 2000, rather than the presently accorded filing date of March 20, 2000.

Petitioner alleges that the application was deposited in Express Mail service on March 17, 2000. In support, the petition is accompanied by a copy of Express Mail receipt number EM167083591US and a copy of the cover sheet and first sheet of the application, both showing the mailing label number above clearly marked on the papers. The Express Mail receipt shows a "date in" of March 17, 2000.

In view of the above, *this petition is* ***granted***.

This application will be returned to Initial Patent Examination Division for correction of the filing date to March 17, 2000.

Telephone inquiries concerning this matter may be directed to Petitions Attorney Scott M. Ledford in the Office of Petitions at (703) 306-5593.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No. 6

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MAR 0 5 2001

OFFICE OF PETITIONS
A/C PATENTS

Rosenthal & Osha, LLP
Suite 4550
700 Louisiana
Houston, TX 77002

In re Application of
Inukai
Application No. 09/531,209
Filed: March 20, 2000
Attorney Docket No. 04452.014001

DECISION GRANTING PETITION

This is a decision on the petition filed July 10, 2000, to accord the above-identified application a filing date of March 20, 2000.

On March 20, 2000, the application was deposited.

On June 7, 2000, the Office of Initial Patent Examination mailed a Notice stating that the specification lacked at least one claim and that a filing date would be accorded upon receipt of one or more claims.

In response, the present petition was filed alleging that claims were deposited on March 20, 2000. In support, petitioner cites the section of the application entitled "What is Claimed is:" and the numbered paragraphs which follow. The claims are written in Japanese.

The evidence is convincing that the application papers deposited on March 20, 2000, included claims. Therefore, the application is complete and entitled to a filing date of March 20, 2000.

In view of the above, the petition is **granted**.

The petition fee will be refunded to deposit account 50-0591.

The Notice mailed June 7, 2000, was sent in error and is hereby vacated.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of March 20, 2000, using the application papers filed on March 20, 2000, and the English translation thereof supplied on July 10, 2000.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Brantley

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
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PILLSBURY WINTHROP SHAW PITTMAN
P.O. BOX 10500
MCLEAN, VA 22102

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MAR 2 2 2006

OFFICE OF PETITIONS

In re Patent No. 6,797,509	:	
Issue Date: September 28, 2004	:	
Application No. 09/531,266	:	ON PETITION
Filed: March 20, 2000	:	
Attorney Docket No. 021123-0258100	:	

This is a decision on the petition under 37 CFR 3.81(b), filed December 30, 2005, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED.**

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

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3220. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

Wan Laymon
Petitions Examiner
Office of Petitions

UNITED STATES PATENT TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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Paper No. 6

HOWARD L ROSE
7315 WISCONSIN AVENUE
SUITE 601 N
BETHESDA MD 20814

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SEP 25 2001

OFFICE OF PETITIONS

In re Application of
Kevin M. Williams
Application No. 09/531,295
Filed: March 20, 2000
Attorney Docket No. 3608.110

DECISION ON PETITION

This is a decision on the petition filed on September 4, 2001, pursuant to 37 CFR 1.137(b)[1], to revive the above-identified application[2].

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 October 5, 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. No response having been received, the above-identified application became abandoned on January 6, 2001. A Notice of Abandonment was mailed on April 20, 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 a statement of 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.

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

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[1] It is noted that petitioner stated that the delay was "unavoidable". However, petitioner entitled his petition to revive as a petition under 37 CFR 1.137(b) (the section governing "unintentional" delay), and not 37 CFR 1.137(a) (the section governing "unavoidable" delay). Furthermore, petitioner provided the $620 fee that is required for reviving an application for unintentional delay, not the $55 fee unavoidable fee. Accordingly, the petition has been treated as a petition to revive under 37 CFR 1.137(b).

[2] It is noted that petitioner referenced serial number 09/425,308 in his petition to revive. However, after considering the named inventor (Kevin M. Williams), filing date (March 20, 2000), and invention title (Privacy Screens), the serial number was construed to be number 09/531,295. Application serial number 09/425,308 is currently abandoned.

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.

The application file is being forwarded to Technology Center 3600 for consideration of petitioner's amendment, filed September 4, 2001.

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
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Howard L. Rose
1001 North Federal Highway
Suite 311
Hallandale, Florida 33009

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Paper No. 15

Gary M. Nath
Nath & Associates PLLC
1030 15th Street NW
6th Floor
Washington, DC 20005

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JUN 23 2004
OFFICE OF PETITIONS

In re Application of	:
Williams	: DECISION ON PETITION
Application No. 09/531,295	:
Filed: March 20, 2000	:
Atty. Dkt. No.: 90161	:

This decision is in response to the petition under 37 CFR 1.137(b), filed June 7, 2004.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned May 7, 2002 for failure to submit a proper reply to the final Office action mailed February 6, 2002. The final Office action set a three (3) month shortened statutory period of time for reply. No extension of time under 37 CFR 1.136(a) was timely requested. Notice of Abandonment was mailed September 10, 2002.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (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 of the reply until the filing of a grantable petition 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 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely reply to the final Office action mailed February 6, 2002 is accepted as having been unintentionally delayed.

This application file is being forwarded to Technology Center 3600 for processing of the RCE submitted herewith.

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)
6961689	2005-11-01	09531350	2000-03-21	AVA005 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	/omkar suryadevara/	Date (YYYY-MM-DD)	2009-12-28
Name	Omkar Suryadevara	Registration Number	36320

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

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In re Patent No. 6961689
Issue Date: November 1,2005
Application No. 09531350
Filed: March 21,2000
Attorney Docket No. 1467-13

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

This is a decision on the electronic petition, filed December 28,2009 ,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 December 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)
6,867,808	2005-03-15	09531542	2000-03-20	0224.0002C

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 B. Shapiro/	Date (YYYY-MM-DD)	2009-09-02
Name	Stuart B. Shapiro	Registration Number	40169

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
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In re Patent No. 6867808
Issue Date: March 15,2005
Application No. 09531542
Filed: March 20,2000
Attorney Docket No. 0224.0002C

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

This is a decision on the electronic petition, filed September 2,2009 ,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 September 2,2009 . 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.

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Paper No. 12

CHA & REITER, LLC
210 ROUTE 4 EAST
PARAMUS NJ 07652

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OFFICE OF PETITIONS

In re Application of
Seng-Wook Sim, et al.
Application No. 09/531,658
Filed: March 20, 2000
Attorney Docket No. P992084

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 24, 2003, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the final Office action mailed April 15, 2003.

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

The filing of a terminal disclaimer is unnecessary as a condition for revival pursuant to the provisions of 37 CFR 1.137(d) in effect at time of filing the instant petition. Since the terminal disclaimer filed with the petition will not be processed, the $110 fee will be refunded.

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 2683, for further processing of the request for continued examination under 37 CFR 1.114 filed December 24, 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
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CHA & REITER
210 ROUTE 4 EAST, SUITE #103
PARAMUS, NJ 07652

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FEB 16 2005

OFFICE OF PETITIONS

In re Application of :
Seng-Wook Sim et al :
Application No. 09/531,658 :
Filed: March 20, 2000 :
Attorney Docket No. P992084

ON PETITION

This is a decision on the petition, filed February 7, 2005, which is being treated as a petition 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 24, 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 Irvin Dingle at (571) 272-3210.

This matter will be forwarded to Technology Center AU 2683 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[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).

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UNITED STATES PATENT AND TRADEMARK OFFICE

APR 16 2002

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

MAILED

APR 16 2002

OFFICE OF THE DIRECTOR
TC 3600

Donald Michael Vernon-Woods
Para Hills West
2 McBryde Court
Adelaide, 5096
AUSTRALIA

In re Application of:	:
Donald Michael Vernon-Woods	: DECISION ON PETITION
Application No.: 09/531,769	: TO ACCEPT FACSIMILE
Filed: March 21, 2000	: TRANSMISSION
For: SPRAY APPLICATOR BELT HOOK	:

This is a decision on the petition filed April 8, 2002, requesting that the response filed June 14, 2001 be accepted as a timely response to the Office Action mailed March 14, 2001. Applicant has provided a statement that the communication was transmitted on that date. Furthermore, a copy of Technology Center 3600's Facsimile Receipt Log shows that a document was sent by applicant and received by us on that date.

Accordingly, the petition is **GRANTED**.

This application is being forwarded to the examiner for an action on the merits.

Anthony Knight
Acting Director, Technology Center 3600
(703) 308-3179
AK

GROUP FACSIMILE RECEIPT LOG

GROUP _____

FLOOR _____

EXAMINER'S NAME	ART UNIT	SERIAL NUMBER	RECEIVED		DOCUMENT		JCW REP' INT'l
			DATE	TIME	OFFICIAL/ UNOFFICIAL	COMPLETE/ INCOMPLETE	
A. GROSZ	3628	09/754,623	6/13/01	4:08	O	C	Ae
Darren ARK	3643	09/409-121	6-14-01	7:30	O	C	L.C
Darren ARK	3643	09/409-121	6-14-01	7:30	O	C	L.C
H. Tudor	3641	09/264-072	—	—	O	C	L.C
Boehler, A.	3618	09/468-006	—	—	O	C	L.C
J. Bidwell	3651	09/262-829	—	—	O	C	L.C
Gray Chin	3661	09/374-306	—	—	O	C	L.C
C. Cohen	3634	09/677-538	—	—	O	C	L.C
Arthur Donnelly	3661	09/195-474	—	—	O	C	L.C
Jerry Redman	3634	09/360-065	—	—	O	C	L.C
Vanaman	3661	09/264-290	—	—	O	C	L.C
Teri Pham Luu	3627	09/408-395	—	—	O	C	L.C
D. Dorsey	3635	09/307-368	—	—	O	C	L.C
J. Kreek	3635	09/310-764	—	—	O	C	L.C
Jeffrey Gellner	1764	09/775-697	—	—	O	C	L.C
Matthew Graham	3613	09/345-240	—	12:00	O	C	L.C
Robert Sandy	3626	09/531-769	—	12:00	O	C	L.C

O = OFFICIAL, U = UNOFFICIAL, C = COMPLETE, I = INCOMPLETE

UNITED STATES 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

DONALD MICHAEL VERNON-WOODS
25 TALLOW WOOD CROSE
WILBERFORCE, 2756 AIRMAIL

COPY MAILED
AUG 1 2 2004
OFFICE OF PETITIONS

In re Application of :
Donald Michael Vernon-Woods :
Application No. 09/531,769 : ON PETITION
Filed: March 21, 2000 :
For: SPRAY APPLICATOR BELT HOOK :

This is a decision on the petition under 37 CFR 1.137(b), filed May 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)." 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 October 20, 2003, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 21, 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 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 items (1) and (2) above.

As to item(1), petitioner has tendered a check in the amount of $650.00. As stated in the Issue Fee Transmittal, the issue fee for small entity is $665.00. Therefore, an additional $15.00 is required.

As to item (2), petitioner must pay a petition fee of $665.00 in order for the petition to be granted.

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 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

The Change of Correspondence Address filed on May 24, 2004 is noted and made of record.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

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 No. 17

DONALD MICHAEL VERNON-WOODS
25 TALLOW WOOD CROSE
WILBERFORCE, 2756 NSW
AUSTRALIA

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DEC 1 0 2004

OFFICE OF PETITIONS

In re Application of	:
Donald Michael Vernon-Woods	:LETTER REMAILING DECISION
Application No. 09/531,769	:ON PETITION UNDER 37 CFR
Filed: March 21, 2000	:1.137(b) AND RESETTING OF
For: SPRAY APPLICATOR BELT HOOK	:PERIOD FOR REPLY

A decision on the petition to revive received May 24, 2004 was mailed on August 12, 2004. However, the decision on petition was returned to the Office with the following notation: " Last line of the address must show only the non-abbreviated destination country name, in English."

Accordingly, in view of the return of the August 12, 2004 decision to the Office, the decision is being remailed herewith and **the period for reply reset for TWO (2) MONTHS from the mailing date of this communication. Extensions of time pursuant to the provisions of 37 CFR 1.136(a) are available.**

Any questions concerning this communication may be directed to the undersigned at (571) 272-3218. Any questions concerning the decision on the petition to revive should be directed to Wan Laymon at (571) 272-3220.

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

Frances Hicks

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

ENCLOSURE: Decision on petition originally mailed August 12, 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

DONALD MICHAEL VERNON-WOODS
25 TALLOW WOOD CROSE
WILBERFORCE, 2756
AUSTRALIA

AIRMAIL

COPY MAILED

JAN 19 2005

OFFICE OF PETITIONS

In re Application of :
Donald Michael Vernon-Woods :
Application No. 09/531,769 : ON PETITION
Filed: March 21, 2000 :
For: SPRAY APPLICATOR BELT HOOK :

This is a decision on the petition under 37 CFR 1.137(b), filed May 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)." 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 October 20, 2003, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 21, 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 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 items (1) and (2) above.

As to item(1), petitioner has tendered a check in the amount of $650.00. The new issue fee for small entity is $700.00. Therefore, an additional $50.00 is required.

As to item (2), petitioner must pay a petition fee of $750.00 in order for the petition to be granted.

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 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

The Change of Correspondence Address filed on May 24, 2004 is noted and made of record.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

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
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DONALD MICHAEL VERNON-WOODS
15 TALLOW WOOD CROSE
WILBERFORCE, 2756
AUSTRALIA

AIRMAIL

COPY MAILED

JUN 01 2005

OFFICE OF PETITIONS

In re Application of	:
Donald Michael Vernon-Woods	: CORRECTED DECISION
Application No. 09/531,769	: UNDER 37 CFR 1.137(b)
Filed: March 21, 2000	:
For: SPRAY APPLICATOR BELT HOOK	:

This is a corrected decision on the petition under 37 CFR 1.137(b), filed May 24, 2004, to revive the above-identified application. The decisions mailed previously are hereby 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)." 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 October 20, 2003, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 21, 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 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 items (1) and (2) above.

As to item(1), petitioner has tendered a check in the amount of $650.00. The new issue fee for small entity is $700.00. Therefore, an additional $50.00 is required.

As to item (2), petitioner must pay a petition fee of $750.00 in order for the petition to be granted.

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

The Change of Correspondence Address filed on May 24, 2004 is noted and made of record.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

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

DONALD MICHAEL VERNON-WOODS
15 TALLOW WOOD CLOSE
WILBERFORCE, NSW 2756
AUSTRALIA

AIRMAIL

COPY MAILED

JUL 0 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Donald Michael Vernon-Woods	:	
Application No. 09/531,769	:	ON PETITION
Filed: March 21, 2000	:	
For: SPRAY APPLICATOR BELT HOOK	:	

This is a decision on the communication filed June 13, 2005 and June 15, 2005, which is being treated as a renewed petition under 37 CFR 1.137(b), 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.

This matter is being referred to Publishing Division.

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

Paper No. 7

PENNIE & EDMONDS
3300 HILLVIEW AVENUE
PALO ALTO, CA 94304

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NOV 30 2000

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
KERRY VEENSTRA ET AL
Application No. 09/531,862
Filed: March 21, 2000
Attorney Docket No. 9818-026-999

DECISION ON PETITION
REFUSING RULE 47(a) STATUS

This is in response to the petition under 37 CFR 1.47(a), filed September 22, 2000.

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 March 21, 2000 without an executed oath or declaration and naming Veenstra, Rangasayee and Bielby as joint inventors.

Accordingly, on May 22, 2000, 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 September 22, 2000, a two month extension of time and fee of $380; a $130 surcharge fee; Declaration signed by inventors Veenstra and Bielby, but not by joint inventor Rangasayee; the instant petition under 37 CFR 1.47(a) and $130 fee; and a declaration by William S. Galliani in support of the 37 CFR 1.47(a) petition were received.

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.

Petitioner states joint inventor Rangasayee cannot be located to execute the application papers and that he has been informed that Mr. Rangasayee no longer works at Altera Corporation where he was employed at the time the invention was conceived with joint inventors Veenstra and Bielby. Although an attempt is stated to have been made by Mr. James Wu, a patent attorney employed by Altera Corporation, to mail the patent application documents to inventor Rangasayee at his last known address, these documents were returned as undeliverable. A copy of the evidence of this attempt accompanies the petition as Exhibit B. Thereafter, an attempt was made to contact inventor Rangasayee at his last known telephone number and was informed that the telephone for that number was disconnected. Additionally, directory assistance did not identify a listing for inventor Rangasayee and that an Internet search was also unsuccessful.

Petitioner has failed to show or provide adequate proof that a diligent effort was made to reach or locate inventor Rangasayee. The applicable statute (35 USC 116) requires that a "diligent effort" have been expended in attempting to find or reach the nonsigning inventor. See MPEP 409.03(a). The record currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate the nonsigning inventor, such that the declaration can be accepted under 37 CFR 1.47.

Where inability to find or locate a named inventor is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor. The statement(s) of fact must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Although the evidence is supportive of the fact that the application papers were returned from the last known address as undeliverable, petitioner has not demonstrated that all efforts have been expended in attempting to locate inventor Rangasayee. In this regard, a statement has been made that an Internet search was made but was unsuccessful. However, petitioner has not presented a copy the result of the Internet search. A brief search on the Internet Whitepages.com revealed that a search for the name "Rangasayee" indicated that a "Krishan Rangasayee" (the first name differs from the current spelling of the inventor's name) was located in Sunnyvale, CA at telephone number (650) 938-4363. Therefore, petitioner should attempt to ascertain whether this is the same person named as a joint inventor in the instant application. Additionally, petitioner should indicate whether access is available to the personnel records of Altera Corporation and, if so, what does inspection of the records reveal as to a current, forwarding, or nearest living relative, or permanent address? What does inspection of the phone

directories for those address locations reveal? Did any of Mr. Rangasayee's coworkers keep in touch with him? If so, do they know the current address of Mr. Rangasayee? Copies and/or statements of the results of the search must be referred to in any renewed petition. See MPEP 409.03(d). If inventor Rangasayee is located, then a copy of the transmittal letter itemizing the complete application papers, as well as a copy of the proof of service on inventor Rangasayee will be required. If the papers are returned as undeliverable and no forwarding address is available, if the Internet search at the above location and phone number is unsuccessful, and if efforts to locate the inventor through personnel records or coworkers of Altera Corporation fail, then petitioner will have established that inventor Rangasayee cannot be located to join in the application.

In order to expedite consideration, petitioner may wish to submit the renewed petition under 37 CFR 1.47(a) by facsimile transmission to the telephone number indicated below and to the attention of the undersigned.

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 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. 10

PENNIE & EDMONDS
3300 HILLVIEW AVENUE
PALO ALTO, CA 94304

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MAR 14 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
KERRY VEENSTRA ET AL
Application No. 09/531,862
Filed: March 21, 2000
Atty Docket No. 9818-026-999

DECISION NOTING JOINDER OF INVENTOR AND PETITION UNDER 37 CFR 1.47(a) MOOT

Papers filed on February 13, 2001 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed November 13, 2000, included a Declaration signed by previously nonsigning inventor Krishna Rangasayee 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).

This application is being forwarded to the Initial Patent Examination Division for preexamination processing.

Inquiries related to this decision may be addressed to the undersigned at (703) 305-8680.

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

Paper No. 7

WILLIE KRAWITZ
3001 CHAPEL HILL RD
ORANGE, CA 92867

COPY MAILED

AUG 1 9 2002

OFFICE OF PETITIONS

In re Application of :
Gary E. Gaumer et al :
Application No. 09/532,140 : ON PETITION
Filed: March 21, 2000 :
Attorney Docket No. 1966 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 24, 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 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 September 19, 2001.

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 $980.00 extension of time submitted on April 1, 2002 (certificate of mailing date March 17, 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 Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center AU 1616.

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

Mailed: JUL 27 2004

THM

Paper No. 14

In re application of
Martin Schallner et al.
Serial No. 09/532,144
Filed: March 31, 2000
For: LAYER SEQUENCE BUILT ON A SUBSTRATE IN THIN-FILM TECHNOLOGY

DECISION ON PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed August 7, 2003, for failure to timely provide formal drawings as indicated in the Notice of Allowability mailed January 29, 2002.

DECISION

Since petitioner asserts that a timely reply was submitted, the request qualifies 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.

Petitioner's evidence of timely filing includes a copy of the return postcard; date stamped by the office, indicating the Office in fact received the Formal Drawings.

Despite this evidence, the MPEP sets forth:

> 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).

In the instant case, the current petition was not received with the Office until more than a year after the mailing of the Notice of Abandonment. In view of this policy, the current petition is deemed untimely. Petitioner indicates that a timely petition was filed but due to error an incorrect serial number was provided to the Office, thus prohibiting consideration. However, no evidence of this earlier submission is provided.

Therefore, the Petition is **DISMISSED** until such time as petitioner provides sufficient explanation of the delay in filing the petition.

After mailing of this decision, the case will be returned to the File Depository.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

UNITED STATES 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: 4/26/05

THM

Paper No. 16

In re application of
Martin Schallner et al.
Serial No. 09/532,144
Filed: March 31, 2000
For: LAYER SEQUENCE BUILT ON A SUBSTRATE IN THIN-FILM TECHNOLOGY

DECISION ON RENEWED PETITION

This is a decision on the RENEWED PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed September 3, 2004, to supplement the earlier petition filed August 7, 2003.

DISCUSSION

Petitioner asserts that a timely petition to the Notice of Abandonment was submitted but that an incorrect serial number was provided thereon, causing the Office not to act on said petition. A review of the petitioner's evidence provided with the instant renewed petition indicates that the request has merit.

Petitioner's evidence of timely filing includes a copy of the original petition with the application misidentified and a copy of the log report indicating transmittal within the two month period required under 37 CFR 1.181(f).

This evidence indicates petitioner has met their duty in timely petitioning the withdrawal of abandonment. As such the petition filed August 7, 2003, will be considered on its merits.

As set forth in the Decision mailed July 27, 2004, petitioner's evidence of timely filing Formal Drawings includes a copy of the returned postcard; date stamped by the Office, indicating the Office had in fact received the Formal Drawings.

DECISION

In view of the fact that the Office received the Formal Drawings and that such drawings or acceptable copies thereof are present in the application file, the petition to withdraw the Notice of Abandonment mailed June 27, 2002 is **GRANTED**.

The application will be returned to pending status and returned to the Office of Publications to continue processing to Issue.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Striker Striker & Stenby
103 East Neck Road
Huntington, NY 11743

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

MARK LEVY & ASSOCIATES, PLLC
PRESS BUILDING, SUITE 902
19 CHENANGO STREET
BINGHAMTON NY 13901

MAILED

NOV 24 2006

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
HSU, SHIN-YI
Serial No.: **09/532,175**
Filed: March 21, 2000
For: **AMORPHOUS REGION AND BOUNDARY/CHAIN TOPOLOGY FOR AN OBJECT RECOGNITION SYSTEM**

: DECISION ON PETITION
: *ACCEPTANCE OF COLOR DRAWINGS*

This is a decision on the petition to suspend the rules under 37 C.F.R. 1.1.83 which has been treated as a petition pursuant to under 37 C.F.R. § 1.84(a)(2), filed September 6, 2006, requesting acceptance of color drawings.

The petition requests that the color drawings noted as Figures 3 and 5-12 be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. §1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) set of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"The file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition is **GRANTED**.

Dwayne Bost
Special Program Examiner
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. 17

Theodore P. Lopez
Skjerven Morrill MacPherson LLP
610 Newport Center Dr.
Suite 300
Newport Beach, CA 92660

MAILED

MAR 2 5 2002

TECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER

In re Application of:
Gjerdingen et al.
Application No. 09/532,196
Filed: March 22, 2000

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed March 11, 2002.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) 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 meets all the above stated requirements. The request was signed by Theodore P. Lopez on behalf of himself and all the attorneys of record. There is no outstanding Office action which requires a response.

The request is **APPROVED**.

The are no attorneys of record at this time.

All future communications from the Office will be directed to the applicants at the address indicated below until otherwise notified by applicant.

Inquiries related to this decision should be directed to Michael L. Gellner at 703-308-1721.

M. L. Gellner

Michael L. Gellner, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: MoodLogic, Inc.
350 Brannan St.
San Francisco, CA 94107

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 10

PHARMACIA & UPJOHN COMPANY
GLOBAL INTELLECTUAL PROPERTY
301 HENRIETTA STREET
KALAMAZOO, MI 49001

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JAN 3 0 2002

OFFICE OF PETITIONS

In re Application of	:	
Youmin Wang et al	:	
Application No. 09/532,396	:	ON PETITION
Filed: March 22, 2000	:	
Attorney Docket No. 6207.N CN1	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 3, 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 8, 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 9, 2001.

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 1617.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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APR 22 2004

Technology Center 2100

Paper No. 19

Alex L. Yip
Kay Scholer LLP
425 Park Avenue
New York, NY 10022-3598

In re Application of:
Michael A. Kepler et al.
Application No. 09/532,402
Filed: March 22, 2000
For: METHOD AND SYSTEM FOR SEARCHING, ACCESSING AND UPDATING DATABASES

DECISION ON PETITION UNDER 37 CFR §1.181 TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the petition filed 23 February 2004 under 37 CFR §1.181 to withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed 02 December 2002 (paper no. 14). A Notice of Abandonment was mailed 20 January 2004 (paper no. 17).

In support of the petition, Petitioner provides a copy of (1) an "Request for Reconsideration and Third Supplemental Information Disclosure Statement" with a certificate of mailing of 28 February 2003, (2) form PTO-1449 with 1 reference, (3) copy of a check number 206945 for $180.00, (4) fee transmittal form, and (5) a post card with a Patent and Trademark Office (PTO) stamp indicating receipt on 05 March 2003 of the aforementioned "Request for Reconsideration and Third Supplemental Information Disclosure Statement", form PTO-1449 and reference, fee transmittal form, and check number 206945.

A review of the file record indicates that the response was received on 05 March 2003 and has been associated with the file. Therefore, the record is clear that the application was ***not abandoned in fact*** and a Notice of Abandonment should not have been issued. Therefore, the petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The application will be forwarded to the Examiner for appropriate action.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (703) 305-9750.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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Document No. 6

Michael J. Mallie
Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026

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MAY 0 2 2002

OFFICE OF PETITIONS

In re Application of
Kevin X. Zhang
Application No. 09/532,411
Filed: March 22, 2000
Attorney Docket No. 42390.P8265

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(a) filed February 21, 2002, to revive the above-mentioned application. Petitioner is advised that the instant petition will be treated as petition filed under 37 CFR 1.137(a) and 37 CFR 1.181(a) to withdraw the holding of abandonment.

The petition under 37 CFR 1.137(a) is **dismissed.**

The petition under 37 CFR 1.181(a) to withdraw the holding of abandonment is also **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 1.181(a) and/or 37 CFR 1.137(a).

This application became abandoned for failure to file a timely reply to the "Notice of Missing Parts of Nonprovisional Application" (the "Notice") mailed June 6, 2000. The Notice set forth an extendable period for reply of two months from its mailing date. Accordingly, this application became abandoned on August 7, 2000. A Notice of Abandonment was mailed January 7, 2002. In the instant petition, petitioner maintains that the Notice was never received and, therefore, no reply could be submitted.

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(l); (3) a showing to the satisfaction of the

[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.

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 required by 37 CFR 1.137(c).

The instant petition lacks item (3) above.

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 37 CFR 1.137(a).

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 judgement for that of the agency."[6]

The standard

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[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)).

"[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]
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 asserts that petitioner did not receive the Notice and provided a statement detailing petitioner's docketing procedures for incoming correspondence. Petitioner further asserts that delay was unavoidable because petitioner was not able to respond to the Notice because petitioner did not receive the Notice.

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 reasons petitioner's argument must necessarily fail are addressed below.

The application was filed on March 22, 2000. A "Notice to File Missing Parts of Nonprovisional Application" was mailed on June 6, 2000, to the correspondence address of rceord, which is the same address that is cited on the instant petition. The record reflects that on September 4, 2001, Ms. Linda Hallman of the United States Patent and Trademark Office, attempted to contact Mr. Michael Mallie, an attorney of record for the above-cited application, regarding the impending abandonment, but Mr. Mallie was not available. There does not appear that there was any further communication between the Office and petitioner until January 7, 2002, when the Notice of Abandonment was mailed. The instant petition was then filed on Febrauray 21, 2002 (certificate of mailing dated February 6, 2002.) Though petitioner argues that the "Notice to File Missing Parts of Nonprovisional Application" was not recived, and even if that were to be accepted as fact, petitioner does not indicate why no inquiry was made relative to the application's status during the eleven month period that passed between the application's filing and the date the petition was filed. It may be reasoned that the exercise of prudence in relation to this most important business would require that petitioner make some inquiry into the status of the application given the extended period of time that passed between the filing of the application and the date the Notice of Abandonment was sent. At this juncture, the conclusion cannot be reached that the delay was unavoidable

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[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.

as petitioner has not demonstarted that petitioner acted prudently relative to prosecution of the application.

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($1,280.00 for a large entity and $640.00 for a verified small entity), and 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. A copy of a blank petition form PTO/SB/64 is enclosed for petitioner's convenince.

TREATMENT UNDER 37 CFR 1.181(a)

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office communication so as prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed. The aforementioned section of the MPEP also indicates that all of petitioner's docket records beginning from the mail date of the non-received Office action through the entire period set for reply (which, in this case, was three-months) should be provided as documentary evidence of non-receipt of the Office action.

Although petitioner provided a statement indicating that the Office action was not received, petitioner did not provide a copy of the relevant docket records as is specifically required to satisfactorily establish that an Office communication was not received. Any renewed petition filed must include a copy of the docket records along with any other documentation to support petitioner's contention that the "Notice of Missing parts of Nonprovisional Application was never received.

The "Declaration and Power of Attorney" filed February 21, 2002, is noted and made 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 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 Kenya A. McLaughlin, Petitions Attorney, at (703) 305-0010.

for D Wood

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

Enclosure: PTO/SB/64
PRIVACY ACT STAT

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 8

Michael J. Mallie
Blakely Sokoloff Taylor & Zafman LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026

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AUG 0 7 2002

OFFICE OF PETITIONS

In re Application of :
Kevin X. Zhang :
Application No. 09/532,411 : DECISION ON
Filed: March 22, 2000 : RENEWED PETITION
Attorney Docket No. 42390.P8265 :

This is a decision on the renewed petition under 37 CFR 1.181(a) filed July 30, 2002.

The renewed petition is **granted**.

This application became abandoned for failure to file a timely reply to the "Notice of Missing Parts of Nonprovisional Application" (the "Notice") mailed June 6, 2000. The Notice set forth an extendable period for reply of two months from its mailing date. Accordingly, this application became abandoned on August 7, 2000. A Notice of Abandonment was mailed January 7, 2002. The first petition under 37 CFR 1.181(a) was filed on February 21, 2002, but was dismissed by a decision mailed May 2, 2002, because petitioner failed to provide copies of the relevant docketing records to substantiate petitioner's claim of nonreceipt of the Notice. The instant renewed petition was then filed on July 30, 2002, (accompanied by a request for an extension of time within the first month) in which petitioner again asserts that the notice of June 6, 2000, was never received and provides computerized docketing records as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has meet the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to Technology Center 2100 for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned, 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

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
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Mailed:

Paper Number 9

In re application of
Hamilton et al
Serial No. 09/532,576
Filed: March 22, 2000
For: HIGH BOND STRENGTH, REPOSITIONABLE ADHERENT SHEET

DECISION ON PETITION

This is a response to the PETITION TO WITHDRAW THE EXAMINER'S HOLDING OF ABANDONMENT, filed September 6, 2002 and having a certificate of mailing dated August 26, 2002. The petition requests that the abandonment for failure to respond to the Office Action mailed January 29, 2002 be withdrawn. The requester asserts that a timely response to the Office Action was filed on February 19, 2002.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee). A review of petitioner's evidence provided with the instant petition indicates the request has merit; the evidence presented is sufficient to establish that applicants did indeed file a response in a timely manner. The submitted evidence includes a copy of the response sent via facsimile on February 19, 2002 and a copy of the Auto-Reply Facsimile Transmission from the USPTO indicating the fax was received.

Therefore, the Notice of Abandonment mailed August 12, 2002 is hereby withdrawn, and the application returned to pending status. The application shall be forwarded to the Technical Support Staff for entry of the response and consideration by the examiner.

The Petition is **GRANTED**.

Richard V. Fisher

Richard V. Fisher, Director
Technology Center 1700
Chemical and Materials Engineering

THE PROCTOR & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON TECHNICAL CENTER – BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

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OFFICE OF PETITIONS

SEAGATE TECHNOLOGY LLC
INTELLECTUAL PROPERTY DEPARTMENT
920 DISC DRIVE, MS/SV15B1
SCOTTS VALLEY CA 95066-4544

In re Patent No. 6,526,909	:	
Issue Date: March 4, 2003	:	
Application No. 09/532,621	:	DECISION ON PETITION
Filed: March 22, 2000	:	
Attorney Docket No. 5933-13	:	

This is a decision on the petition under 37 CFR 1.182, filed January 27, 2005, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3205. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Krystal Paige in the Publishing Division at (703) 308-9250, Ext. 139.

A copy of this decision is being faxed to Publishing Division for issuance of a duplicate Letters Patent.

Alesia M. Brown
Petitions Attorney
Office of Petitions

cc: Krystal Paige, South Tower, 8th Floor, Room C32 (Fax No. (571) 270-9937)

UNITED STATES PATENT AND TRADEMARK OFFICE
703 308-1020

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JUL 27 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

Joseph F. Hetz
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

In re Application of:	:	
James Michael, et al	:	WITHDRAWAL FROM
Application No. 09/532,684	:	ISSUE
Filed: March 21, 2000	:	
For: REAL TIME NETWORK EXCHANGE	:	
WITH SELLER SPECIFIED EXCHANGE	:	
PARAMETERS AND INTERACTIVE	:	
SELLER PARTICIPATION	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFI 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefor will be communicated to you by the examiner.

Patent and Trademark Office records reveal that the issue fee has not been paid. If the issue 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 J. Love

John J. Love, Director
Tech Center 3600
703 308-1020

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WASHINGTON, D.C. 20231
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Paper No. 5
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OFFICE OF PETITIONS

Intellectual Property Office
The Pennsylvania State University
113 Technology Center
University Park, PA 16802

In re Application of
Livingston
Application No. 09/532687
Filed: March 22, 2000
Attorney Docket Number: 97-1834

ON PETITION

This is a decision on the petition filed February 20, 2002 (certificate of mailing date of January 24, 2002), under 37 CFR 1.137(a) to revive the above-identified application which is first treated as a petition to withdraw the holding of abandonment.

The petition to withdraw the holding of abandonment is **DISMISSED**.
The petition to revive under 37 C.F.R. § 1.137(a) is **DISMISSED**.

Any request for reconsideration 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(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely submit a response to the Notice to File Missing Parts of Nonprovisional Application mailed May 26, 2000. The notice set an extendable 2 month period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on July 27, 2000. A Notice of Abandonment was mailed on December 13, 2001.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

Petitioner asserts that the Notice to File Missing Parts mailed on February 26, 2001 was never received. A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish the failure to receive 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 non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.[1] The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Notice to file Missing Parts may have

[1] M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

been lost after receipt rather than a conclusion that the Notice of Allowance was lost in the mail.

The showing of record is insufficient to warrant withdrawal of the holding of abandonment. Although petitioner indicates a copy of the University's docketing system, D.E.A.L.S. has accompanied the petition, such document can not be located. Furthermore, the petition does not specifically state the file was searched and the Notice to File Missing Parts could not be located. As the required showing has not been presented, the petition must be dismissed. A renewed petition should contain a copy of the docket for the above-identified application.

PETITION TO REVIVE UNDER 37 C.F.R. § 1.137(a)

A grantable petition under 37 C.F.R. § 1.137(a) must be accompanied by:
(1) the required reply,[2]
(2) the petition fee,
(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) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The instant petition lacks item (3).

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 37 C.F.R. § 1.137(a).

The Office 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." See, 37 C.F.R. § 1.137(a)(3). 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 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). A petition to revive an application as unavoidably abandoned cannot be granted where 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).

The showing of record is inadequate to establish unavoidable delay within the meaning

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[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 35 U.S.C. § 133 and 37 CFR 1.137(a).[3] 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, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[4]

In the present petition, petitioner has not presented a sufficient showing of unavoidable delay. Petitioner may wish to submit a copy of the docket for the above-identified application. Accordingly, the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 35 U.S.C. § 151 and 37 C.F.R. § 1.137(a).

Alternative Venue

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by the required reply (already submitted), the required petition fee ($640 for a small entity), and 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. A copy of a blank petition form is enclosed for petitioner's convenience.

The filing of a petition under 37 C.F.R. § 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 C.F.R. § 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 C.F.R. § 1.137(b).

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. The Office will not engage in dual correspondence.

A copy of the Notice to File Missing Parts is enclosed for your convenience.

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

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

---

[3] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[4] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

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 Charlema R. Grant at (703) 306-0251.

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

cc: Hedi S. Nebel
McKee, Voorhees & Sease
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721

Enclosures

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 5

COPY MAILED

JUL 3 1 2002

OFFICE OF PETITIONS

ON PETITION

Intellectual Property Office
The Pennsylvania State University
113 Technology Center
University Park, PA 16802

In re Application of
Livingston
Application No. 09/532687
Filed: March 22, 2000
Attorney Docket Number: 97-1834

This is a decision on the renewed petition filed June 26, 2002 (certificate of mailing date of June 19, 2002), under 37 CFR 1.137(a) to revive the above-identified application.

This application became abandoned for failure to timely submit a response to the Notice to File Missing Parts of Nonprovisional Application mailed May 26, 2000. The notice set an extendable 2 month period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on July 27, 2000. A Notice of Abandonment was mailed on December 13, 2001. A petition to revive under 37 CFR 1.137(a) filed on February 20, 2002 was dismissed on May 20, 2002.

The petition to revive under 37 C.F.R. § 1.137(a) is **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. The Office will not engage in dual correspondence.

The Office acknowledges receipt of the executed declaration and statement under 37 CFR(b).

This application is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

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

cc: Hedi S. Nebel
McKee, Voorhees & Sease
801 Grand Avenue, Suite 3200
Des Moines, Iowa 50309-2721

UNITED STATES 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 28 2005

In re Application of
David W. Livingston
Serial No. 09/532,687
Filed: 3/22/2000
For: MOSS CONTROL COMPOSITION

NOTICE OF WITHDRAWAL FROM ISSUE
UNDER 37 CFR 1.313(b)

The above-identified application is withdrawn from issue after payment of the Issue Fee to reopen prosecution. See 37 CFR 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 Sreenivasan Padmanabhan at 571-272-0629.

Bruce Kisliuk, Director
Technology Center 1600

INTELLECTUAL PROPERTY OFFICE
THE PENNSYLVANIA STATE UNIVERSITY
113 TECHNOLOGY CENTER
UNIVERSITY PARK, PA 16802

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MAY 0 2 2007

OFFICE OF PETITIONS

Intellectual Property Office
The Pennsylvania State University
113 Technology Center
University Park PA 16802

In re Application of

LIVINGSTON, David W.
Application No. 09/532,687
Filed: March 22, 2000
Attorney Docket No. **97-1834**

DECISION ON PETITION
TO WITHDRAW
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 March 12, 2007.

The request is **NOT 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 Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, (inventor is a registered patent attorney and wishes to personally continue prosecution of this case), does not meet any the conditions set forth in 37 CFR 10.40.

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

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

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **DAVID W. LIVINGSTON**
PENN STATE CENTER FOR TURFGRASS SCIENCE
VALENTINE TURFGRASS RESEARCH CENTER
0000 VALENTINE TURF SHED
UNIVERSITY PARK, PA 16802

UNITED STATES 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 23 2005

FLEHR HOHBACH TEST ALBRITTON & HERBERT LLP
FOUR EMBARCADERO CENTER
SUITE 3400
SAN FRANCISCO CA 94111-4187

In re Application of	:
Sarita Kumari Jain et al	:
Serial No.: 09/532,708	: STATUS LETTER
Filed: March 22, 2000	:
Attorney Docket No.: 41428.0333	:

This is in response to applicants' attorney's request, filed April 27, 2005, to withdraw from representation in the above identified application.

Insofar as can be determined the signing attorney listed on the request (copy attached) has never been appointed to represent the above identified applicant in this application. Therefor no withdrawal can be effected.

The request to withdraw is **DISMISSED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at Office facsimile number, 571-273-8300.

William R. Dixon, Jr.
Special Program Examiner
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. 6

MICHAEL L. LEETZOW
P. O. BOX 489
HICKORY, NC 28603-0489

COPY MAILED

JAN 3 1 2003

OFFICE OF PETITIONS

In re Application of	:	
Brandon A. Barnes, et al.	:	
Application No. 09/532,722	:	ON PETITION
Filed: March 22, 2000	:	
Attorney Docket No. HE0096	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 21, 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 to File Missing Parts of Nonprovisional Application mailed May 24, 2000. 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 July 25, 2000.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

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

MAIL Paper No. 9

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE 10TH FL.
NEW YORK, NY 10151

JUL 0 3 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Fujisaki
Application No. 09/532,753
Filed: March 22, 2000
Attorney Docket No.: 450100-3477.3
For: DIGITAL SERIAL DATA INTERFACE

DECISION ON PETITION

This is a decision in response to the petition filed May 10, 2002, to withdraw the holding of abandonment of the above-identified application.

The petitioner is **GRANTED**.

The application was held abandoned November 17, 2001 for failure to timely submit the issue fee as required by the Notice of Allowance and Issue Fee due re-mailed August 16, 2001. The Notice of Allowance and Issue Fee Due set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed April 4, 2002.

Petitioner asserts non-receipt of the Notice of Allowance and Issue Fee Due.

In the absence of any irregularity in the mailing of the Notice of Allowance and Issue Fee Due, there is a strong presumption that the Notice of Allowance and Issue Fee Due was properly mailed to practitioner at the address of record. This presumption may be overcome by a showing that the Notice of Allowance and Issue Fee Due was not in fact received. The showing required to establish non-receipt 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 non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. *See*, MPEP 711.03(c). 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.

Office records indicate the Notice of Allowance and Issue Fee Due was properly re-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 Notice of Allowance and Issue Fee Due on the part of the United States Patent and Trademark Office.

In support of the petition, petitioner has provided a copy of the docket record where the Notice of Allowance and Issue Fee Due would have been entered had it been received along with a statement from practitioner that a search of the docket record and file jacket indicated that the Notice of Allowance and Issue Fee Due was not received.

In view of the evidence presented, the Notice of Abandonment is hereby **VACATED** and the Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center's technical support staff for mailing of a new Notice of Allowance and Issue Fee Due. The time period for response will be set to run from the date the new Notice of Allowance and Issue Fee Due is mailed.

Joseph J. Rolla, Jr., 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
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THE DIRECTV GROUP INC
PATENT DOCKET ADMINISTRATION RE/R11/A109
P O BOX 956
EL SEGUNDO CA 90245-0956

COPY MAILED
DEC 19 2006
OFFICE OF PETITIONS

In re Application of :
Finseth et al. :
Application No. 09/532,755 :
Filed: March 22, 2000 :
Title: Method and Apparatus For Transmission :
Receipt and Display of Advertisement

ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed November 8, 2006.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application was held abandoned June 26 2004 for failure to timely reply to the non-final Office Action mailed on March 25, 2004. The non-final Office Action set a three (3) month extendable time period for reply. A Notice of Abandonment was mailed October 11, 2006.

Petitioner asserts that a reply to the non-final Office Action was timely submitted on June 25, 2004. As evidence, petitioner has submitted a copy of the reply which contains a certificate of mailing dated June 25, 2004 pursuant to 37 CFR 1.8. Petitioner has also provided a copy of a stamped postcard receipt dated June 28, 2004. The post card receipt serves as prima facie evidence that a reply to the Office Action was received in the Office.

The response submitted on June 25, 2004 has not been located in the Office, however, in view of the evidence submitted, the response is deemed timely.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

The application file is being forwarded to Art Unit 2623 for further processing of the amendment submitted on November 8, 2006.

Telephone inquiries concerning this matter should 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

Paper No. 11

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JUN 11 0 2003

OFFICE OF PETITIONS

ARMSTRONG, WESTERMAN & HATTORI, LLP
1725 K STREET, NW
SUITE 1000
WASHINGTON DC 20006

In re Application of
Nobuhiko Hayashi et al
Application No. 09/532,786
Filed: March 22, 2000
Attorney Docket No. 000351

ON PETITION

This is a decision on the petition, filed June 5, 2003, and supplemented by facsimile transmission on June 10, 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 May 5, 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 2828 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

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[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.: 9/27/2005

DATE : **10/11/2005**

TO SPE OF : ART UNIT **2800 (2828)**

SUBJECT : Request for Certificate of Correction on Patent No.: **6,904,071**

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 3-922
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.

Okay to enter data as shown on c of c request?

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.

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

Comments:

MINSUN PARK
SPE

2828
Art Unit

09/532791

C of C.

O I P E IAP45
SEP 27 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of: **Takenori GOTO et al.**

Patent No.: **6,904,071**

Issued: **June 7, 2005**

For: **SEMICONDUCTOR LASER DEVICE AND METHOD OF FABRICATING THE SAME**

Attorney Docket Number: **000350**
Customer Number: **38834**

REQUEST FOR CERTIFICATE OF CORRECTION

Entered
TN.
11/22/05

Mail Stop: COC
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

September 27, 2005

Sir:

The undersigned requests that a Certificate of Correction be issued for the above-identified patent as indicated on the attached Form PTO-1050.

This request is being made in order to correct **item (56); Foreign Patent Documents**. Please correct the last Foreign Patent Document's Number, "JP 02001068786 A" into **--JP 02001067886 A--**. It is respectfully submitted that no new matter has been added.

Since this error is a Patent and Trademark Office printing error, it is respectfully submitted that no fee is required.

If any fees are required in connection with this paper, please charge our Deposit Account No. 50-2866.

Respectfully submitted,

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP

John P. Kong
Attorney for Applicants
Registration No. 40,054
Telephone: (202) 822-1100
Facsimile: (202) 822-1111

Certificate
SEP 29 2005
of Correction

JPK/if
Enclosures: Form PTO-1050

SEP 30 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FORD GLOBAL TECHNOLOGIES LLC
FAIRLANE PLAZA SOUTH SUITE 800
330 TOWN CENTER DRIVE
DEARBORN MI 48126

COPY MAILED

JUN 23 2008

OFFICE OF PETITIONS

In re Application of	:	
Lewis, et al.	:	
Application No. 09/532,833	:	ON PETITION
Filed: March 21, 2000	:	
Attorney Docket No. 199-1744	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed April 8, 2008.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned due to failure to timely file a reply to the "Notice of Drawing Inconsistency with Specification", mailed January 7, 2008. This Notice set a non-extendable period for reply of one month. No reply having been received, the application became abandoned on February 8, 2008. The Office mailed a Notice of Abandonment on March 14, 2008.

To establish nonreceipt of an Office action, a petitioner must: 1) include a statement that the Office action was not received; 2) attest to the fact that a search of the file jacket and docket records indicates that the Office action was not received; and 3) include a copy of the docket record where the nonreceived Office action would have been entered had it been received and docketed.[1] A proper docket report consists of a "docket record

[1] See MPEP 711.03(c)(II).

where the nonreceived Office action would have been entered had it been received and docketed."[2] "For example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket record showing **all** replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted..."[3]

With the instant petition, petitioner has submitted a copy of a proper master docket report, showing all of his replies docketed for the due date of February 7, 2008. An entry for the instant application is absent, supporting the conclusion that the Notice was not received. In addition, petitioner has stated that the Notice was not received, and attested to the fact that he searched the file jacket and docket records.

The matter is being forwarded to the Office of Data Management (formerly the Office of Patent Publication) for re-mailing of the January 7, 2008 "Notice of Drawing Inconsistency with Specification", setting a new period for reply.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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[2] MPEP 711.03(c)(II) (emphasis added).

[3] Id.

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

FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN, MI 48126

Mail Date: 04/23/2010

Applicant	: Julie A. Lewis	: DECISION ON REQUEST FOR
Patent Number	: 7571131	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 09/532,833	: OF WYETH
Filed	: 03/21/2000	:
		:

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.

Day : Friday
Date: 4/2/2004
Time: 12:53:06

PALM INTRANET

Content Information for 09/532839

#18

Search Another: Application# Search or Patent# Search

PCT / / Search or PG PUBS # Search

Attorney Docket # Search

Bar Code # Search

Appln Info | Contents | Petition Info | Atty/Agent Info | Continuity Data | Foreign Data

Date	Status	Code	Description
03/29/2004		LFFOUND	FILE MARKED FOUND
11/21/2003	91	P006	RECORD PETITION DECISION OF GRANTED TO WITH
11/18/2003		BRCE	WORKFLOW - REQUEST FOR RCE - BEGIN
11/18/2003		PET.	PETITION ENTERED
09/06/2003		LFLOST	FILE MARKED LOST
06/25/2003		DRWI	WORKFLOW - DRAWINGS RECEIVED AT CONTRACT
06/25/2003		DRWR	WORKFLOW - DRAWINGS SENT TO CONTRACTOR
06/25/2003	94	IFEE	ISSUE FEE PAYMENT RECORDED
05/02/2003		R1021	RECEIPT INTO PUBS
04/17/2003		SENT	WORKFLOW - FILE SENT TO CONTRACTOR
04/17/2003		SENT	WORKFLOW - FILE SENT TO CONTRACTOR
04/17/2003	93	R1021	RECEIPT INTO PUBS
04/09/2003		D1220	DISPATCH TO PUBLICATIONS
04/02/2003		D1220	DISPATCH TO PUBLICATIONS
03/25/2003	92	MN/=.	MAIL NOTICE OF ALLOWANCE
03/24/2003	90	N/=.	NOTICE OF ALLOWANCE DATA VERIFICATION COM
03/24/2003	89	CNTA	NOTICE OF ALLOWABILITY
03/18/2003		FWDX	DATE FORWARDED TO EXAMINER
03/07/2003		AP/A	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEA
03/07/2003		XT/G	REQUEST FOR EXTENSION OF TIME - GRANTED
03/07/2003		AF/D	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) REC
03/12/2003		BRCE	WORKFLOW - REQUEST FOR RCE - BEGIN
08/12/2002	120	N/AP	NOTICE OF APPEAL FILED
08/12/2002		XT/G	REQUEST FOR EXTENSION OF TIME - GRANTED
07/31/2002		DOCK	CASE DOCKETED TO EXAMINER IN GAU

#18

04/10/2002	61	MCTFR	MAIL FINAL REJECTION (PTOL - 326)
04/10/2002	60	CTFR	FINAL REJECTION
04/06/2002		FWDX	DATE FORWARDED TO EXAMINER
03/27/2002	71	A...	RESPONSE AFTER NON-FINAL ACTION
09/28/2001		DOCK	CASE DOCKETED TO EXAMINER IN GAU
10/01/2001	41	MCTNF	MAIL NON-FINAL REJECTION
09/28/2001	40	CTNF	NON-FINAL REJECTION
08/17/2001		DOCK	CASE DOCKETED TO EXAMINER IN GAU
02/12/2001		M844	INFORMATION DISCLOSURE STATEMENT (IDS) FILE
08/22/2000		M844	INFORMATION DISCLOSURE STATEMENT (IDS) FILE
08/14/2000		A.PE	PRELIMINARY AMENDMENT
08/02/2000		M844	INFORMATION DISCLOSURE STATEMENT (IDS) FILE
07/24/2000	30	DOCK	CASE DOCKETED TO EXAMINER IN GAU
07/19/2000		TR.Q	TRANSFER INQUIRY
05/24/2000	20	OIPE	APPLICATION DISPATCHED FROM OIPE
05/24/2000		C.AD	CORRESPONDENCE ADDRESS CHANGE
04/12/2000		SCAN	IFW SCAN & PACR AUTO SECURITY REVIEW
03/21/2000	19	IEXX	INITIAL EXAM TEAM NN

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Back to PALM | ASSIGNMENT | OASIS | Home page

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
www.uspto.gov

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ONE METROPOLITAN SQUARE, 16TH FLOOR
ST. LOUIS, MISSOURI 63102

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NOV 21 2003

OFFICE OF PETITIONS

In re Application of
Michael A. Van de Mark et al
Application No. 09/532,839
Filed: March 21, 2000
Attorney Docket No. UMO 1528

ON PETITION

This is a decision on the petition, filed November 18, 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 25, 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 Irvin Dingle at (703) 306-5684.

After receipt of the file in the Office of Petitions, the file will be forwarded to Technology Center AU 1714 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
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

MARK J. MURPHY
COOK ALEX MCFARRON MANZO
CUMMINGS & MEHLER LTD.
200 WEST ADAMS STREET
SUITE 2850
CHICAGO IL 60606

COPY MAILED

SEP 2 2 2004

OFFICE OF PETITIONS

In re Application of	:	
Masahiko Hayakawa et al	:	
Application No. 09/532,915	:	ON PETITION
Filed: March 22, 2000	:	
Attorney Docket No. SEL 170	:	

This is a decision on the petition, filed September 21, 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 September 3, 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 2826 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

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[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. 6801882
Issue Date: October 5,2004
Application No. 09532977
Filed: March 22,2000
Attorney Docket No. 13DV13386

:

: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 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 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.

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)
6,801,882	2004-10-05	09/532,977	2000-03-22	13DV13386

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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:

DATE : 6/1/09

TO SPE OF : ART UNIT 1638

SUBJECT : Request for Certificate of Correction on Patent No.: 6,664,446 09/533,029

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 - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 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

Eva James
Certificates of Correction Branch

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

Note your decision on the appropriated box.

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

Comments: Correction of inventorship approved

ANNE MARIE GRUNBERG
SUPERVISORY PATENT EXAMINER

09/533,029

Request to correct inventorship approved

Please forward to Eva James at COC Branch

PALM Code 7580

her phone number is 703 756-1583

DAVID H. KRUSE, PH.D.
PRIMARY EXAMINER

the only use I've found for my stamp.

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
Attention: Certificate of Correction Branch.

REQUEST FOR CORRECTION OF INVENTORSHIP
PURSUANT TO 35 U.S.C. 256 and 37 C.F.R. § 1.324(a)

Dear Sir:

The presently named assignees, Mendel Biotechnology, Inc. hereby petition the Commissioner to delete Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang from the inventors of the above-identified patent, and correct the name of "Lynne Reuber" to "T. Lynne Reuber". Enclosed are the following:

1. A statement from the current named inventors agreeing to the change of inventorship;
2. A statement from the sole assignee agreeing to the change of inventorship in the patent;
3. The fee set forth in 37 C.F.R. § 1.20(b) of $130.00 is being submitted electronically with this request.

Patentees of the referenced patent request that the inventorship in the above-identified application be amended by deleting "Pierre Broun", "James Keddie", "Raymond Samaha", "James Zhang", "Guo-Liang Yu", "Marsha Pilgrim" and "Cai-Zhong Jiang" from the above-identified application and correct the name of "Lynne Reuber" to "T. Lynne Reuber".

"Pierre Broun", "James Keddie", "Raymond Samaha", "James Zhang", "Guo-Liang Yu", "Marsha Pilgrim" and "Cai-Zhong Jiang" were named in the issued patent as inventors through error and this error

arose without any deceptive intent. The name of "Lynn Reuber" was entered through error, and should be "T. Lynn Reuber"; this error occured without deceptive intent. Thus, Patentees respectfully request to correct these errors by deleting "Pierre Broun", "James Keddie", "Raymond Samaha", "James Zhang", "Guo-Liang Yu", "Marsha Pilgrim" and "Cai-Zhong Jiang" , and change the name of "Lynn Reuber" to "T. Lynn Reuber" so that the inventive entity of "T. Lynne Reuber", "Oliver Ratcliffe", "Jacqueline Heard", "Jose Luis Riechmann", "Omaira Pineda" and "Luc Adam" will remain as the correct inventive entity of the present patent. This request is supported by a statement of the current named inventors as required by 37 C.F.R. § 1.324(b)(2), and a statement from the sole assignee: Mendel Biotechnology Inc., as required by 37 C.F.R. § 1.324(b)(3), agreeing to the change of inventorship.

The Patent and Trademark Office is respectfully requested to correct the inventorship and to enter the enclosed statements of T. Lynne Reuber, Oliver Ratcliffe, Jacqueline Heard, Jose Luis Riechmann, Omaira Pineda Luc Adam, Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

Applicants believe that the current amendment has complied with requirements under 37 CFR § 1.324(a) and respectfully request correction of the inventorship in the present patent.

Respectfully submitted,
MENDEL BIOTECHNOLOGY, INC.

Date: May 29, 2009

Yifan Mao

Yifan Mao
Patent Agent
Reg. No. 60,804

3935 Point Eden Way
Hayward, California 94545
Phone: (510) 259-6149
Fax: (510) 264-0254

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY ASSIGNEE FOR CHANGE OF INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(3)

Dear Sir:

Mendel Biotechnology, Inc., a company duly organized under and pursuant to the laws of California and having its principal place of business 3935 Point Eden Way, Hayward, California 94545, is the assignee of the entire right, title and interest in the patent application identified above, as indicated on the Assignment dated 03/22/2000, Reel/Frame No. 010796 / 0531.

Mendel Biotechnology, Inc. hereby consents to correct the inventorship of the above-identified patent by deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

MAY 29, 2009
Date

Oliver J. Ratcliffe
Vice President, Research
Mendel Biotechnology, Inc.

Mendel Biotechnology, Inc.
3935 Point Eden Way
Hayward, California 94545-3720
Phone: 510.264.6146
Fax: 510.264.0254

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY GUO-LIANG YU IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, Guo-Liang Yu, declare as follows

1) I reside at 242 Gravatt Drive, Berkeley, California 94705, USA;

2) I was named as an inventor of the above-referenced US patent;

3) I agree to the requested change of the inventorship of the above-referenced US patent by deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: Apr. 17, 2008 Name: _____

Guo-Liang Yu

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY JACQUELINE HEARD IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, Jacqueline Heard, declare as follows:

1) I reside at 542 Sunnyside Avenue, Webster Groves, MO. 63119;

2) I am an inventor of the above-referenced US patent;

3) I agree to the change of the inventorship of the above-referenced U.S. patent, deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: April 6, 2009 Name: Jacqueline Heard

Jacqueline Heard

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY CAI-ZHONG JIANG IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, Cai-Zhong Jiang, declare as follows

1) I reside at 2340 Caravaggio Drive, Davis, California 95618, USA;

2) I was named as an inventor of the above-referenced US patent;

3) I agree to the requested change of the inventorship of the above-referenced US patent by deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: 4/28/09_____ Name: _____

Cai-Zhong Jiang

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY T. LYNNE REUBER IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, T. Lynne Reuber, declare as follows:

1) I reside at 1115 South Grant Street, San Mateo, California 94402;

2) I am an inventor of the above-referenced US patent;

3) My name was entered as "Lynne Reuber" through error in the above-referenced patent, and should be "T. Lynne Reuber". This error arose without deceptive intent;

4) I agree to the change of the inventorship of the above-referenced U.S. patent, deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: 5/29/09 Name: T. Lynne Reuber

T. Lynne Reuber

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY LUC ADAM IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, Luc Adam, declare as follows:

1) I reside at 2315 Depot Road, Hayward, California 94545;

2) I am an inventor of the above-referenced US patent;

3) I agree to the change of the inventorship of the above-referenced U.S. patent, deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: 03/20/07 Name: _____

Luc Adam

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY JAMES ZHANG IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, James Zhang, declare as follows

1) I reside at 951 Amarillo Ave., Palo Alto, California 94303, USA;

2) I was named as an inventor of the above-referenced US patent;

3) I agree to the requested change of the inventorship of the above-referenced US patent by deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: 4/1/2009 Name: _____
James Zhang

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY OLIVER RATCLIFFE IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, Oliver Ratcliffe, declare as follows:

1) I reside at 814 East 21st Street, Oakland, California 94606;

2) I am an inventor of the above-referenced US patent;

3) I agree to the change of the inventorship of the above-referenced U.S. patent, deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: March 20, '09 Name: Oliver Ratcliffe

Oliver Ratcliffe

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY JOSE LUIS RIECHMANN IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, Jose Luis Riechmann, declare as follows:

1) I reside at Sant Marti de L'erm 37, 4o, 1a, Sant Joan Despi, Barcelona, Spain 08970;

2) I am an inventor of the above-referenced US patent;

3) I agree to the change of the inventorship of the above-referenced U.S. patent, deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: March 23, 2009 Name: _____

Jose Luis Riechmann

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY JAMES KEDDIE IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, James Keddie, declare as follows

1) I reside at 20 14th Ave., San Mateo, CA 94402, USA;

2) I was named as an inventor of the above-referenced US patent;

3) I agree to the requested change of the inventorship of the above-referenced US patent by deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: 4/1/09 Name: James Keddie

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY OMAIRA PINEDA IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, Omaira Pineda, declare as follows:

1) I reside at The Laurels, 4060 9th Place, Vero Beach, Florida 32960;

2) I am an inventor of the above-referenced US patent;

3) I agree to the change of the inventorship of the above-referenced U.S. patent, deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: 3/29/09 Name: Omaira Pineda

Omaira Pineda

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY MARSHA PILGRIM IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, Marsha Pilgrim, declare as follows

1) I reside at 1368 Patrick Henry Drive, Phoenixville, Pennsylvania 19460, USA;

2) I was named as an inventor of the above-referenced US patent;

3) I agree to the requested change of the inventorship of the above-referenced US patent by deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: 5/8/09 Name: Marsha Pilgrim

Marsha Pilgrim

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY PIERRE BROUN IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, Pierre Broun, declare as follows

1) I reside at 28 rue des amandiers 37540 Saint-Cyr sur Loire, France;

2) I was named as an inventor of the above-referenced US patent;

3) I agree to the requested change of the inventorship of the above-referenced US patent by deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: 5-13-2009 Name: _____
Pierre Broun

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.: 6,664,446	)
In re patent of: HEARD, Jacqueline *et al.*	)
Issued: 12-16-2003	)
Art Unit: 1638	)
Examiner: KRUSE, David H.	)
Docket No. MBI-0010	)
Customer No. 23678	)

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

STATEMENT BY RAYMOND SAMAHA IN SUPPORT OF PETITION TO CORRECT INVENTORSHIP PURSUANT TO 37 C.F.R. § 1.324(b)(2)

Dear Sir:

I, Raymond Samaha, declare as follows

1) I reside at Los Robles Rd., Soquel, California 95073, USA;

2) I was named as an inventor of the above-referenced US patent;

3) I agree to the requested change of the inventorship of the above-referenced US patent by deleting Pierre Broun, James Keddie, Raymond Samaha, James Zhang, Guo-Liang Yu, Marsha Pilgrim and Cai-Zhong Jiang.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the present patent.

Date: 5/19/09 Name: _____
Raymond Samaha

UNITED STATES 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

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DEC 0 4 2006

OFFICE OF PETITIONS

In re Application of :
Walskoe, Barber, Gorman, Bossemeyer, Pickard, Kagan, Goering:
Stuckman, Tisiker, Newmann, Orwick :
Application No.: 09/533,263 : DECISION ACCORDING
Filed: March 17, 2000 : RULE 47(a) STATUS
Attorney Docket No: 8285/347
Invention: **TELECOMMUNICATION SYSTME METHOD AND SUBSCRIBER UNIT FOR USE THEREIN**

This is in response to the petition under 37 CFR 1.47(a), filed January 5, 2001, and in duplicate on October 26, 2006.

The petition is **GRANTED**.

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.

The above-cited application was filed on March 17, 2000, without a properly executed declaration. A Notice to File Missing Parts of Nonprovisional Application was mailed on June 7, 2000, allowing a shortened period for reply of two months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). The notice required a proper oath or declaration to be filed and payment of a surcharge. The instant petition was filed on January 5, 2001, with a request for an extension of time within the fifth month.

Petitioner has shown that inventor Barber has refused to join the prosecution of the 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 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 will be forwarded to the Office of Patent Publications for further processing.

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

MAILED

MAY 0 6 2002

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2100

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

Paper No. 7

Charles W. Peterson, Jr.
FITCH, EVEN, TABIN & FLANNERY
Suite 1600
120 South LaSalle Street
Chicago, IL 60603-3406

In re Application of:	)	
Nimrod MEGIDDO	)	
Application No. 09/533,325	)	
Filed: March 22, 2000	)	**DECISION ON REQUEST FOR**
For: SYSTEM, METHOD AND	)	**WITHDRAWAL AS ATTORNEY**
PROGRAM PRODUCT FOR	)	
AUTOMATICALLY MANAGING	)	
CONTRACTS		

This is a decision on the Request To Withdraw from Representation filed March 18, 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 signed by Charles W. Peterson, Jr. alone and does not contain a clear indication that Mr. Peterson is authorized to sign on behalf of the other attorneys of record and is signing on behalf of the other attorneys of record. Furthermore, there is no indication that Applicant has been notified of the request for withdrawal.

Accordingly, the request filed March 18, 2002 is **DENIED**.

All future communications from the United States Patent and Trademark Office (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.

Vincent N. Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software,
and Electronic Commerce
(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

MARK D. MCSWAIN
IBM ALMADEN RESEARCH CTR., IP LAW DEPT.
650 HARRY ROAD
CHTA/J2B
SAN JOSE CA 95120

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JUL 28 2006
OFFICE OF PETITIONS

In re Application of	:	
Nimrod Megiddo	:	
Application No. 09/533,325	:	NOTICE VACATING PATENT GRANT
Filed: March 22, 2000	:	
Attorney Docket No. ARC000009US1-IBM	:	

The purpose of this notice is to advise you that the above-identified application was mistakenly indicated to have been granted as U.S. Patent No. 6,985,868 on January 10, 2006.

The record discloses the following:

- A first Notice of Allowance and Issue Fee Due and a Notice of Allowability were mailed on August 24, 2005. The issue fee in reply to the Notice of Allowance was received on October 3, 2005.
- On December 7, 2005, a Notice Of Withdrawal From Issue Under 37 C.F.R. 1.313(b), by the Director of Technology Center 3600, was mailed to notify applicant that the above application was withdrawn from issue after payment of the issue fee to permit reopening of prosecution.
- On December 21, 2005, an Issue Notification was mailed to indicate a patent number of 6,985,868 and an issue date of January 10, 2006.
- On February 16, 2006, a paper entitled "Re: Notice Of Withdrawal From Issue, and Issuance," was filed.

In view of the Notice Of Withdrawal From Issue mailed December 7, 2005, the U.S.P.T.O's publication (on January 10, 2006) of a patent document purporting to be a patent was in error. Accordingly, the following erratum will be published in the Official Gazette:

> All reference to Patent No. 6,985,868 to Nimrod Megiddo of California for SYSTEM, METHOD AND PROGRAM PRODUCT FOR AUTOMATICALLY MANAGING CONTRACTS appearing in the Official Gazette of January 10, 2006 should be deleted since no patent was granted.

This application is being forwarded to Technology Center Art Unit 3629 for appropriate action by the examiner.

Any questions concerning this matter may be directed to Karen Creasy at (571) 272-3208.

Charles Pearson, Director
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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VERIZON CORPORATE SERVICES GROUP INC
C/O CHRISTIAN R. ANDERSEN
600 HIDDEN RIDGE DRIVE
MAILCODE HQEO3H14
IRVING, TX 75038

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APR 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Jerry D. Burchfiel et al :
Application No. 09/533,467 : ON PETITION
Filed: March 23, 2000 :
Attorney Docket No. 99-442 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 23, 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 June 16, 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 September 17, 2004.

The above-identified application is being revived solely for purposes of continuity with a submission under 37 CFR 1.114 (request for continued examination (RCE)).

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.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center 2663 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Amendment.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: ROPES & GRAY
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
www.uspto.go

Paper No. 7

BEVERLEE G. STEINBERG
SHELL OIL COMPANY
INTELLECTUAL PROPERTY
P.O. BOX 2463
HOUSTON, TX 77252-2463

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OCT 0 4 2002

OFFICE OF PETITIONS

In re Application of :
David Randolph Smith :
Application No. 09/533,471 : ON PETITION
Filed: March 23, 2000 :
Attorney Docket No. TH-1354 (US) :

This is a decision on the petition under 37 CFR 1.137(b), filed September 5, 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 October 25, 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 January 26, 2002.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (703) 306-5684.

The application file is being forwarded to Technology Center 2800 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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RONALD M. ANDERSON
LAW OFFICES OF RONALD M. ANDERSON
600 - 108TH AVENUE N.W., SUITE 507
BELLEVUE, WASHINGTON 98004

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MAR 20 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of Brechner; Slawson; Vest; Cwalina; Iwasaki; Thrall and Anthony Application No. 09/533,504 Filed: March 23, 2000 For: SEARCHING AND SORTING MEDIA CLIPS HAVING ASSOCIATED STYLE AND ATTRIBUTES	DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed December 5, 2000.

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 March 23, 2000 without an executed oath or declaration and naming Brechner; Slawson; Vest; Cwalina; Iwasaki; Thrall and Anthony as joint inventors.

Accordingly, on June 8, 2000, 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 December 5, 2000, the surcharge fee; a four month extension of time fee; a Declaration signed by inventors Brechner; Slawson; Vest; Cwalina; Iwasaki and Anthony, but not by joint inventor Thrall; the instant petition under 37 CFR 1.47(a) and fee; and a declaration by Ronald M. Anderson in support of the petition under 37 CFR 1.47(a) were 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 (2) set forth above.

The last known address of nonsigning inventor John Thrall stated in the petition is different from the address on the oath/declaration submitted December 5, 2000. Upon consideration, the petition under 37 CFR 1.47(a) cannot be granted since compliance with item (2) above has not been satisfied. Petitioner must submit a new oath or declaration to show the last known address of nonsigning inventor John Thrall as indicated in the petition and to include his country of citizenship to comply with 37 CFR 1.63.

In order to expedite consideration of the petition under 37 CFR 1.47(a), petitioner may wish to consider submitting the renewed petition by facsimile transmission to the telephone number indicated below and to the attention of Karen Creasy.

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 Karen Creasy at (703) 305-8859.

Frances Hicks

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

Paper No. 8

RONALD M. ANDERSON, ESQ.
LAW OFFICES OF RONALD M. ANDERSON
600 - 108TH AVENUE N.E., SUITE 507
BELLEVUE, WA 98004

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JUN 08 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Brechner, Slawson, Vest, Cwalina,
Iwasaki, Thrall and Anthony
Application No. 09/533,504
Filed: March 23, 2000
Attorney Docket No. MICRO186

DECISION ACCORDING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition filed May 21, 2000 requesting reconsideration of the decision mailed March 20, 2001 which refused status under 37 CFR 1.47(a).

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 Initial Patent Examination for further preexamination processing.

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
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JUN 07 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

JOE ZHENG
PHONE.COM, INC
800 CHESAPEAKE DRIVE
REDWOOD CITY, CA 94063

In re Application of
Peter F. King, et al
Application No. 09/533,556
Filed: February 24, 1999
For: PROVIDING A DIRECTORY OF FREQUENTLY USED HYPERLINKS ON A REMOTE SERVER

DECISION GRANTING PETITION

This is a decision on the petition filed September 27, 1999, requesting that the Continued Prosecution Application request under 37 CFR 1.53(d), filed February 24, 1999, be treated as an application filed under 37 CFR 1.53(b) and be accorded a filing date of February 24, 1999.

A review of the file of prior application no. 08/996,379 reveals that a request for a continued prosecution application (CPA) under 37 CFR § 1.53(d) based on prior application no. 08/996,379, was filed in the above-identified patent application on February 24, 1999. However, the issue fee was paid in the prior application on January 14, 1999. A CPA must be filed before payment of the issue fee in the prior application. See 37 CFR 1.53(d) (1) (ii) (A). Since the issue fee was paid in the prior application before the CPA request was filed and the prior application has now issued as a patent, the CPA request cannot be processed as a proper CPA.

In view of the petition and improper CPA request, the CPA request and other papers filed on February 24, 1999, have been removed from the file of application No. 08/996,379 and have been assigned application No. 09/553,556 for identification purposes. All further correspondence concerning the application deposited on February 24, 1999, should be directed to application No. 09/553,556, not application No. 08/996,379.

The present petition requests that the CPA request be treated as an application under 37 CFR 1.53(b). It is noted that the CPA request was filed with, *inter alia*, a copy of the parent application including specification, claims, Abstract, and drawings; a copy of the declaration and previous assignments; and Preliminary Amendment.

The petition is **granted**.

After mailing of this decision, PTO records will be corrected to show that the basic filing fee and all associated multiple dependent and excess claim fees paid on February 24, 1999, were paid in application No. 09/533,556 and not in application No. 08/996,379. The petition fee of $130.00 will be charged to the practitioner's deposit account as authorized.

The above-identified application will then be forwarded to the Office of Initial Patent Examination Division for further processing as a continuation application of prior application no. 08/996,379 filed under 37 CFR 1.53(b) with a filing date of February 24, 1999, using the specification, drawings, and declaration filed February 24, 1999.

Telephone inquiries specific to this matter should be directed to Petitions Attorney, Jennifer M. Hayes, at (703) 306-5608, or if unavailable, to the undersigned at (703) 305-9285.

Eugenia A. Jones
Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

JMH

RECEIVED
MAR 0 8 2002
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
LOS ANGELES

ENTERED
MAR 0 8 2002
STATUS DB-LA

Serial/Patent No.: 09/533,556 Filing/Issue Date: February 24, 1999
Client: Operwave Systems Inc.
Title: Providing a Directory of Frequently Used Hyperlinks on a Remote Server
BSTZ File No.: 3399P087C Atty/Secty Initials: JMB/jaa
Date Mailed: 2-12-02 Docket Due Date: ***

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☐ Amendment/Response (____ pgs.)
- ☐ Appeal Brief (____ pgs.) (in triplicate)
- ☐ Application - Utility (____ pgs., with cover and abstract)
- ☐ Application - Rule 1.53(b) Continuation (____ pgs.)
- ☐ Application - Rule 1.53(b) Divisional (____ pgs.)
- ☐ Application - Rule 1.53(b) CIP (____ pgs.)
- ☐ Application - Rule 1.53(d) CPA Transmittal (____ pgs.)
- ☐ Application - Design (____ pgs.)
- ☐ Application - PCT (____ pgs.)
- ☐ Application - Provisional (____ pgs.)
- ☐ Assignment and Cover Sheet
- ☒ Certificate of Mailing
- ☐ Declaration & POA (____ pgs.)
- ☐ Declaration Docs & Ofc & Copy of Inventor & Signed Letter (____ pgs.)
- ☐ Drawings: ____ # of sheets includes ____ figures
- ☐ Express Mail No.: ____
- ☐ ____ Month(s) Extension of Time
- ☐ Information Disclosure Statement & PTO-1449 (____ pgs.)
- ☐ Issue Fee Transmittal
- ☐ Notice of Appeal
- ☐ Petition for Extension of Time
- ☐ Petition for ____
- ■ Postcard
- ☐ Power of Attorney (____ pgs.)
- ☐ Preliminary Amendment (____ pgs.)
- ☐ Reply Brief (____ pgs.)
- ☐ Response to Notice of Missing Parts
- ☐ Small Entity Declaration for Indep. Inventor/Small Business
- ☐ Transmittal Letter, in duplicate
- ☐ Fee Transmittal, in duplicate
- ☐ Check No. ____ Amt: ____
- ☐ Check No. ____ Amt: ____

OIPE JC20
FEB 2 8 2002
PATENT & TRADEMARK OFFICE

■ Other: Power of Attorney by Assignee and Revocation of Previous Powers (2 pgs.)

RECEIVED
JAN 15 2002
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
LOS ANGELES

Serial/Patent No.: 09/533,556 Filing/Issue Date: February 24, 199
Client: Openwave Systems Inc
Title: Providing a Directory of Frequently Used Hyperlinks on a Remote Server
BSTZ File No.: 3399P087C Atty/Secty Initials: JMB/jaa
Date Mailed: 12-10-01 Docket Due Date: ***

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☐ Amendment/Response (____ pgs.)
- ☐ Appeal Brief (____ pgs.) (in triplicate)
- ☐ Application - Utility (____ pgs., with cover and abstract)
- ☐ Application - Rule 1.53(b) Continuation (____ pgs.)
- ☐ Application - Rule 1.53(b) Divisional (____ pgs.)
- ☐ Application - Rule 1.53(b) CIP (____ pgs.)
- ☐ Application - Rule 1.53(d) CPA Transmittal (____ pgs.)
- ☐ Application - Design (____ pgs.)
- ☐ Application - PCT (____ pgs.)
- ☐ Application - Provisional (____ pgs.)
- ☐ Assignment and Cover Sheet
- ■ Certificate of Mailing
- ☐ Declaration & POA (____ pgs.)
- ☐ Disclosure Docs & Qty & Copy of Invention Signature (____ pgs.)
- ☐ Drawings: ____ # of sheets includes ____
- ☐ Express Mail No.: ____
- ☐ ____ Month(s) Extension of Time
- ☐ Information Disclosure Statement & PTO-1449 (____ pgs.)
- ☐ Issue Fee Transmittal
- ☐ Notice of Appeal
- ☐ Petition for Extension of Time
- ☐ Petition for ____
- ■ Postcard
- ☐ Power of Attorney (____ pgs.)
- ☐ Preliminary Amendment (____ pgs.)
- ☐ Reply Brief (____ pgs.)
- ☐ Response to Notice of Missing Parts
- ☐ Small Entity Declaration for Indep. Inventor/Small Business
- ☐ Transmittal Letter, in duplicate
- ☐ Fee Transmittal, in duplicate
- ☐ Check No. ____ Amt: ____
- ☐ Check No. ____ Amt: ____

OIPE JC48
JAN 07 2002
PATENT & TRADEMARK OFFICE

■ Other: Request for Filing Receipt (2 pgs.), copy of Decision Granting Petition, Change of Correspondence Address, Request for Change of Attorney Docket Number (2 pgs.)

ENTERED
JAN 16 2002
STATUS DB-LA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STALLMAN & POLLOCK
SUITE 2200
353 SACRAMENTO STREET
SAN FRANCISCO CA 94111

COPY MAILED

JUL 07 2005

OFFICE OF PETITIONS

In re Application of :
Fred E. Stanke et al :
Application No. 09/533,613 : ON PETITION
Filed: March 22, 2000 :
Attorney Docket No. 21964-708 :

This is a decision on the petition, filed July 6, 2005, under 37 CFR 1.313©)(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 4, 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]

Additionally, in view of the paper entitled "Loss Of Entitlement To Small Entity Status 37 CFR § 1.28(b), filed July 6, 2005, this application no longer qualifies for small entity status. Therefore, all future fees must be paid at the large entity rate.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2877 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).

#6

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

Mayumi Maeda
Limbach and Limbach LLP
2001 Ferry Building
San Francisco, CA 94111

COPY MAILED

NOV 24 2000

OFFICE OF PETITIONS
A/C PATENTS

In re Application of:	:	
Penry et al.	:	
Application No. 09/533,705	:	DECISION REFUSING STATUS
Filed: March 23, 2000	:	UNDER 37 CFR 1.47(a)
Att'ney Dckt No. NSC1-G3900	:	

This is a decision on the petition filed October 10, 2000, under 37 CFR 1.47(a) requesting that this application be accorded status.

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. **FAILURE TO RESPOND WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION.** The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.47(a)."

A grantable petition under 37 CFR 1.47(a) requires (1) a petition including proof of the pertinent facts establishing the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort, (2) an oath or Declaration in compliance with 37 CFR 1.63 executed by the available joint inventor(s), (3) the fee as specified in 37 CFR § 1.17(h), and (4) the last known address of the omitted inventor(s). This petition lacks items (1) above.

This application was filed on March 23, 2000, and in reply to the Notice of Missing Parts of June 12, 2000, applicants filed *inter alia*, the instant petition, and a declaration lacking the signature of joint inventor Russell Flack.

The above application and papers have been reviewed but have not been found in compliance with 37 CFR 1.47(a) based upon the following reasons:

(1) Applicant has failed to show or provide adequate proof that a diligent effort was made to reach or locate Flack. However, the applicable statute (35 USC 116) requires that a "diligent effort" have been expended in attempting to find or reach the non-signing inventor. See MPEP 409.03(a). The record currently fails to demonstrate, with a documented showing, that a diligent effort was made to find or locate Flack, such that the declaration can be accepted under 37 CFR 1.47. Such is required for any renewed petition.

Where inability to find or locate a named inventor(s) is alleged, a statement of facts should be submitted that fully describes the exact facts which are relied on to establish that a *diligent effort* was made to locate the inventor. The statement(s) of facts must be signed, where at all possible, by a person having *firsthand knowledge* of the facts recited therein. Statements based on hearsay, will not normally be accepted. At the very least, a search should be made of the telephone directories of the Tempe area. What does inspection of the phone directories for those address locations reveal? Copies of the results of the search must be referred to in any renewed petition. See MPEP 409.03(d). If Flack is located, then a copy of the transmittal letter itemizing the complete application papers, as well as a copy of the proof of service on Flack will be required. Petitioner is advised that if the research reveals that Flack is now deceased, then his legal representative or heirs will have to be proffered the complete application papers for signature. See also MPEP 409.01(a),(b); MPEP 409.03(c). Petitioner is advised that an extremely brief Internet search revealed that there is Russell Flack, resides at 10670 E Firehorn Dr., Scottsdale, AZ 85259, at telephone number (480) 419-0830 of which fact Petitioner should take note.

It is important that the forthcoming communication contain statements of fact as opposed to conclusions. If there is an express oral refusal, a statement from the person to whom that refusal was made should be made 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 4, Suite 3C23
2201 S. Clark Place
Arlington, VA

Telephone inquiries related to this decision should be directed to Kien Nguyen at (703) 306-5592, or in his absence, the undersigned at (703) 305-1820.

Brian Hearn

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

#9

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

MAYUMI MAEDA
LIMBACH AND LIMBACH LLP
2201 FERRY BUILDING
SAN FRANCISCO, CA 94111

COPY MAILED

MAY 0 4 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of Penry et al Application No. 09/533,705 Filed: March 23, 2000 For: SILICON-BACKED MICRODISPLAY WITH A GLASS-SIDE PASSIVATION LAYER	DECISION NOTING JOINDER OF INVENTOR AND PETITION UNDER 37 CFR 1.47(a) MOOT

Papers filed on April 27, 2001 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed November 24, 2000, included a Declaration signed by previously nonsigning inventor Russell Flack 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).

This application is being forwarded to the Office of Initial Patent Examination Division for preexamination processing.

Inquiries related to this decision may be addressed 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

#10

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 10

MAYUMI MAEDA
LIMBACH AND LIMBACH LLP
2201 FERRY BUILDING
SAN FRANCISCO, CA 94111

COPY MAILED

MAY 0 4 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of	:
Penry et al	:
Application No. 09/533,705	:
Filed: March 23, 2000	: DECISION NOTING JOINDER OF
For: SILICON-BACKED	: INVENTOR AND PETITION UNDER
MICRODISPLAY WITH A GLASS-SIDE	: 37 CFR 1.47(a) MOOT
PASSIVATION LAYER	

RECEIVED
MAY 03 2001
TECHNOLOGY CENTER 2800

Papers filed on April 27, 2001 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed November 24, 2000, included a Declaration signed by previously nonsigning inventor Russell Flack 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).

This application is being forwarded to the Office of Initial Patent Examination Division for preexamination processing.

Inquiries related to this decision may be addressed 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

TOWNSEND AND TOWNSEND AND CREW, LLP
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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JUL 18 2007

OFFICE OF PETITIONS

In re Patent No. 7148035	:	
Issue Date: 12/12/2006	:	
Application No. 09/533798	:	NOTICE
Filed: 03/24/2000	:	
For: POLYPEPTIDE	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed on 13 March, 2007.

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 the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
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

9/21/01
EAW
#7

SEP 21 2001

Paper No. 8

James A. LaBarre
Burns, Doane, Swecker & Mathis, L.L.P.
P.O. Box 1404
Alexandria, Virginia 22313-1404

In re Application of	)	
Rene-Paul BLANC et al.	)	
Application No. 09/533,825	)	
Filed: March 24, 2000	)	
For: DISPOSABLE ELECTRONIC CHIP	)	DECISION ON PETITION
DEVICE AND PROCESS OF	)	
MANUFACTURE	)	

This is a decision on the petition under 37 C.F.R. § 1.144, filed July 27, 2001, requesting withdrawal of the finality of the restriction requirement and examination of all the claims pending in the above-identified application.

The restriction requirement was made final in the Office action mailed July 5, 2001. Claims 1-30 were examined and claims 31-47 were withdrawn from consideration by the examiner as being drawn to a non-elected invention.

Petitioner asserts that the restriction between the inventions of claims 1-30 and of claims 31-47 is improper pursuant to M.P.E.P. § 803 and M.P.E.P. § 806.5(f) because "There are two criteria for a proper restriction. The first of these is that a showing must be made that the inventions are independent or distinct as claimed. In the Office Action, the groups were characterized as being directed to a product and process for making the product ... under these circumstances distinctness can be shown if the product as claimed can be made by another and materially different process. In support of the restriction, the Office Action states that the electronic chip device of claims 1-30 can be made by a screening process." Petition further asserts "there is no showing in either of the Office Actions that a screening process is materially different from the process recited in a number of the claims of the second group."

A restriction requirement was mailed on April 10, 2001 holding that the claims in the application are directed to two distinct inventions which are related as product and process of making the product: the product being an electronic chip device set forth in claims 1-30, and the process of making the electronic chip device being set forth in claims 31-475. To support the determination

that the two inventions are patentably distinct, the product is shown to be made by materially different process such as the chip can be made by a screening process.

Regulations and Practice

806.03 Single Embodiment, Claims Defining Same Essential Features

> Where the claims of an application define the same essential characteristics of a single disclosed embodiment of an invention, restriction there between should never be required. This is because the claims are but different definitions of the same disclosed subject matter, varying in breadth or scope of definition.

M.P.E.P. § 806.05(f) deals with restrictions between inventions directed to a process of making and product made and states, in part, as follows:

> A process of making and product made can be shown to be distinct inventions if either or both of the following can be shown: (1) the process as claimed can be used to make other and materially different product, or (2) the product as claimed can be made by another and materially different process.
>
> The burden is on the examiner to provide an example, but the example need not be documented.
>
> If the applicant either proves or provides a convincing argument that the alternative use suggested by the examiner cannot be accomplished, the burden is on the examiner to support a viable alternative use or withdraw the requirement.

37 CFR § 1.144 states as follows:

> After a final requirement for restriction, the applicant, in addition to making any response 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.)
>
> If applicant does not distinctly and specifically point out supposed errors in the restriction requirement, the election should be treated as an election without traverse and be so indicated to the applicant by use of form paragraph 8.25.2.

Opinion

A restriction requirement, once made final, may be petitioned pursuant to 37 CFR § 1.144. For

restriction requirements dealing with a process of making and product made, M.P.E.P. § 806.05(f) sets forth the required showing of distinctness by the examiner and the acceptable rebuttal by the applicant to overcome this showing.

Petitioner appears to assert that the Examiner's example of a materially different process, a screening process, is not a materially different process from the process recited in the group of claims including claims 31-47.

This assertion is not convincing since the Petitioner has not claimed that the electronic chip device is manufactured just using a screening process. Petitioner claims that the chip device is manufactured using the steps of providing an interface support film and affixing at least one microcircuit on the interface support film and connecting the microcircuit to the interface. Petitioner's process to achieve advantages of the claimed invention necessitates the additional method steps claimed. Although the electronic chip device can be made using just a screening process, petitioner's method claims has additional step not necessarily required in the device claims. An example of an additional step is the affixing of the compensation film carried out *before* the microcircuit is fixed to the support film.

The record reveals that the examiner properly followed the Office guidelines as set forth in M.P.E.P. § 806.05(f) quoted above. The examiner has satisfied the burden of showing distinctness between the two groups of claims. In return, petitioner shall either prove or provide a convincing argument that the alternative use suggested by the examiner cannot be accomplished. Petitioner has not proved nor provided a convincing argument in the traversal to the restriction requirement submitted July 5, 2001, or in this petition.

The record reveals that the examiner properly follows Office practice and procedures and the restriction requirement has not been shown to be in error. Reversal of the examiner's position is not warranted.

For the above stated reasons, the petition is DENIED.

Any request for reconsideration of this decision must be filed within two months of the date of this decision in order to be considered timely.

The application file is being returned to the Technology Center 2800 Central Files where it awaits a response to the non-final Office action of July 5, 2001

Stewart Levy

Stewart J. Levy
Director, Technology Center 2800
Semiconductors, Electrical and Optical Systems and Components
Phone Number: 703 308-0658

jag

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JAN 1 8 2005

OFFICE OF PETITIONS

In re Application of	:	
Waleed H. Hassanein	:	
Application No. 09/534,092	:	ON PETITION
Filed: March 23, 2000	:	
Attorney Docket No. 2601.1001-009	:	

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**.

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 1651.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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)
6625553	2003-09-23	09534243	2000-03-23	6625553

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	/Sona Dalal/	Date (YYYY-MM-DD)	2009-05-14
Name	Sona Dalal	Registration Number	50777

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. 6625553
Issue Date: September 23,2003
Application No. 09534243
Filed: March 23,2000
Attorney Docket No. 241/075

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

This is a decision on the electronic petition, filed May 14,2009 ,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 May 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Sept. 30, 2008

TO SPE OF : ART UNIT 2145
SUBJECT : Request for Certificate of Correction for Appl. No.: 09/534403 Patent No.: 7398320

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

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**.

FOR PAPER FILES:

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

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.

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

Comments: _____

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Sept. 30, 2008

TO SPE OF : ART UNIT 2145
SUBJECT : Request for Certificate of Correction for Appl. No.: 09/534403 Patent No.: 7398320

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

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**.

FOR PAPER FILES:

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

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.

- ☒ **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 _____ Adnan Mirza

2100 _____

UNITED STATES 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

JUN 13 2007

OFFICE OF PETITIONS

ROGERS COWLES
P.O. BOX 42546
PHILADELPHIA, PA 19101-2546

In re Application of	:	
Roger Cowles	:	
Application No. 09/534,453	:	ON PETITION
Filed: March 24, 2000	:	
Attorney Docket No. AGOR-0001	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 15, 2007 and supplemented on March 27, 2007, 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 August 14, 2003, 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) were obtained. Accordingly, the above-identified application became abandoned on November 15, 2003.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3627 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

SPE: A. Hirshfeld

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 6/21/06

TO SPE OF : ART UNIT 2854

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/534,466 Patent No.: 7017485

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: _____

JUDY NGUYEN
SUPERVISORY PATENT EXAMINER

SPE

2854
Art Unit

PTO/SB/44 (04-04)
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 : 7,017,485

DATED : March 28, 2006

INVENTOR(S) : Kevin Francis ALBERT, David Charles BURKE

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

"Bardac – SP 1070PID Basic PID Controller" disclosed in the Information Disclosure Statement filed with the application should be listed as prior art on the face of the patent

Column 2, line 40 should read "after the printing units." instead of "after the printing units;".

MAILING ADDRESS OF SENDER: DAVIDSON, DAVIDSON & KAPPEL, LLC
485 Seventh Avenue
New York, NY 10021

PATENT NO. 7,017,485

No. of additional copies

3

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.

2006

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRACEWELL & PATTERSON LLP
INTELLECTUAL PROPERTY LAW
P. O. BOX 969
AUSTIN, TX 78767-0969

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OCT 17 2007

OFFICE OF PETITIONS

In re Application of :
Michael Wayne Brown et al :
Application No. 09/534,595 : DECISION ON PETITION
Filed: March 27, 2000 :
Attorney Docket No. :
AUS000060US2

This is a decision on the petition under 37 CFR 1.137(a), filed April 11, 2007, to revive the above-identified application. For the reasons stated below, the petition is being treated as a petition under 37 CFR 1.181(a) to withdraw the holding of abandonment.

The petition is **GRANTED.**

This application was held abandoned for failure to timely reply to the non-final Office action mailed March 24, 2006, which set a three month shortened statutory period for reply. No reply having been received, a Notice of Abandonment was mailed on November 15, 2006.

Petitioner states that the Office action of March 24, 2006 was never received and supplies a statement that he personally conducted a search of the file jacket and docket records for this application and determined that the Office communication was not received. Additionally, a copy of the docket record where the Office communication would have been entered had it been received accompanies the petition, as well as a declaration from the docket administrator of the firm of Dillon & Yudell LLP who handles docketing of all incoming correspondence for the firm of Dillon & Yudell and for the attorneys practicing at Bracewell & Patterson, to whom the correspondence in this file was mailed.

A review of the file record discloses that the Office communication of March 24, 2006 was in fact not received at the

above address of record since it was returned to the file. In accordance with *Ex parte Gourtoff*, 1924 C.D. 153, 329 O.G. 536 (Commr. Pat. 1924), when an Office communication is returned to the Office, the Office will check the application file record to ensure that the action was mailed to the correct correspondence address. If not, the Office action should be stamped "remailed" with the remailing date and mailed to the correct correspondence address with the period for reply being reset from the remailed date. *Note* MPEP 707.13. There is no indication in the file record that the Office followed this procedure.

It further appears that the mailing address for the Office action did not appear in the window of the envelope and, thus, was returned to the Office by the U.S. Postal Service. Further, the envelope does not contain any notation thereon by the U.S. Postal Service as to the reason the envelope was undeliverable.

In view of the above, the Notice of Abandonment is **vacated** and the holding of abandonment **withdrawn**.

A petition under 37 CFR 1.181(a) does not require a fee. Therefore, the $500 fee submitted for this petition will be refunded 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. 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.

This application is being referred to Technology Center AU 3627 for appropriate action in the normal course of business on the reply received April 11, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Eustace P. Isidore
Dillon & Yudell LLP
8911 N. Capital of Texas Hwy.
Suite 2110
Austin, Tx 78759

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)
6,398,959	2002-06-04	09/534,650	2000-03-24	1321.12.CIP

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	/anton j hopen/	Date (YYYY-MM-DD)	2010-06-14
Name	Anton J. Hopen	Registration Number	41849

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. 6398959
Issue Date: June 4,2002
Application No. 09534650
Filed: March 24,2000
Attorney Docket No. 3759.019

:

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

:

This is a decision on the electronic petition, filed June 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 June 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **DECEMBER 4, 2006**

TO SPE OF : ART UNIT **3621**

SUBJECT : Request for Certificate of Correction for Appl. No.: **09534744** Patent No.: **7092911B2**

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

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: _____

_____

_____

_____

_____

(acting) 3621

SPE **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. 6

James E. Eakin
McDermott, Will & Emery
2700 Sand Hill Road
Menlo Park, CA 94025

COPY MAILED

MAY 1 6 2002

OFFICE OF PETITIONS

In re Application of
Craig Hansen, et. al.
Application No. 09/534,745
Filed: March 24, 2000
Attorney Docket No. 43876-111(A)

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 11, 2002, to revive the above-identified application, which is being treated as a petition to Withdraw the Holding of Abandonment under 37 CFR 1.181.

The petition is **GRANTED**.

A review of the record shows that on July 24, 2000, petitioner timely submitted the Oath/Declaration and $130.00 surcharge in response to the Notice to File Missing Parts. Therefore, the $1280.00 petition to revive fee, and the $130.00 duplicate payment of the surcharge submitted on April 11, 2002, is being credited to petitioner's deposit account.

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 $1440.00 extension of time submitted with the petition on April 11, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

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

Paper No. 21

MCDERMOTT WILL & EMERY
600 13TH STREET NW
WASHINGTON, DC 20005-3096

COPY MAILED

SEP 26 2003

OFFICE OF PETITIONS

In re Application of	:	
Craig Hansen et al	:	
Application No. 09/534,745	:	NOTICE
Filed: March 24, 2000	:	
Attorney Docket No. 43876-122	:	

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.

The application file is being forwarded to Publishing Division.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

SPE ~~J. Siew~~
L HELMS

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 09/534,825

Paper No.: _____

DATE : 8/19/05

TO SPE OF : ART UNIT ~~1642~~ 1643

SUBJECT : Request for Certificate of Correction on Patent No.: 6861506

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:

LARRY R. HELMS, PH.D.
SUPERVISORY PATENT EXAMINER

LARRY HELMS — **SPE**

1643 — **Art Unit**

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

Paper No. 14

STETINA BRUNDA GARRED & BRUCKER
75 ENTERPRISE, SUITE 250
ALISO VIEJO, CA 92656

COPY MAILED

JUN 0 3 2003

OFFICE OF PETITIONS

In re Application of :
Shannon Nelson et al :
Application No. 09/534,880 :
Filed: March 24, 2000 :
Attorney Docket No. NORTH-391A :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 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 to the final Office action mailed August 12, 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 November 13, 2002.

The above-identified application is being revived solely for purposes of continuity with a Request For Continued Examination (RCE) filed on May 1, 2003.

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 Patents
United States Patent and Trademark Office
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MCDONNEL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

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AUG 04 2009

OFFICE OF PETITIONS

In re Application of	:	
Frank R. Ruderman et al	:	
Application No. 09/534,946	:	DECISION ON PETITION
Filed: March 24, 2000	:	
Attorney Docket No. MBHB00-203	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 17, 2009, 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 corrected drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice mailed May 13, 2009, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3686 for appropriate action by the Examiner in the normal course of business on the reply received July 17, 2009 and the Request for Continued Examination/IDS received July 20, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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Paper No. 14

MAIL

JUL 2 2 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Judith A. Szepesi
Blakely, Sokoloff, Taylor & Zafman LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, California 90025-1026

In re Application of: David S. Stork	)	**DECISION ON PETITION UNDER 37**
Application No. 09/534,950	)	**CFR § 1.181 TO INVOKE**
Filed: March 24, 2000	)	**SUPERVISORY AUTHORITY AND**
For: A METHOD AND APPARATUS FOR	)	**FOR REFUND OF FEE PURSUANT**
OPEN DATA COLLECTION	)	**TO 37 C.F.R. 1.26(a)**

This is a decision on the petition under 37 CFR 1.181, filed July 7, 2003 requesting the Group Director to enter an amendment which was refused entry in the Advisory action mailed on May 14, 2003. Petitioner further requests refund of the fees for the concurrently filed RCE and extension of time pursuant to 37 C.F.R. 1.26(a).

The petition is **DISMISSED**.

CASE HISTORY

A finalOffice action rejecting claims 1, 2, 6, 7, 10, 12, and 17-20, allowing claims 15 and 16, and objecting to claims 3-5, 8, 9, 11, 13, 14, 21, and 21 as depending from rejected base claims was mailed on January 29, 2003. Applicant filed a proposed amendment after final on May 5, 2003. The Examiner responded with an Advisory action mailed May 14, 2003 indicating that the proposed amendment after-final would not be entered because it raises New Issues that would require further search and/or consideration.

On July 7, 2003, Petitioner (1) filed the instant petition contending that the proposed amendment should have been entered and requesting that the Examiner be directed to enter the amendment and pass the case to issue and (2) Filed a Request for Continuing Examination and 2-month extension of time. The RCE transmittal did not request entry of the May 5 amendment after final but instructed the Office to enter an amendment submitted as part of the July 7 filing. These papers carried a certificate of mailing establishing the date of filing as May 30, 2003.

BASIS OF OPINION

The relevant portions of the Statutes and Rules are reproduced below. Emphasis is added to draw attention to the critical phrases.

§ 1.26 Refunds.
(a) ***The Commissioner 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 or trademark 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 Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts. If a party paying a fee or requesting a refund does not provide the banking information necessary for making refunds by electronic funds transfer (31 U.S.C. 3332 and 31 CFR part 208), or instruct the Office that refunds are to be credited to a deposit account, the Commissioner may require such information, or use the banking information on the payment instrument to make a refund. Any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged.

37 CFR § 1.135 Abandonment for failure to respond within time period.
(a) If an applicant of a patent application fails to respond within the time period provided under §1.134 and §1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper action as the condition of the case may require. ***The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.***

37 CFR § 1.116 Amendments after final action or appeal.
(a) After a final rejection or other final action (§1.113)...amendments may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action. Amendments presenting rejected claims in better form for consideration on appeal may be admitted. ***The admission of, or refusal to admit,*** any amendment after final rejection, and any related proceedings, ***will 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.***

The relevant section of the MPEP concerning entry of amendments after a final rejection is MPEP § 714.13 which states:

ENTRY NOT A MATTER OF RIGHT

It should be kept in mind that applicant cannot, as a matter of right, amend any finally rejected claims, add new claims after a final rejection (see 37 CFR 1.116) or reinstate previously canceled claims. Except where an amendment merely cancels claims, adopts examiner suggestions, removes issues for appeal, or in some other way ***requires only a cursory review by the examiner***, compliance with the requirement of a showing under 37 CFR 1.116(b) is expected in all amendments after final rejection.

OPINION

I. Entry of the Amendment Filed May 5, 2003.

The newly proposed claim 11 is ***not equivalent to any previously presented claim***, but rather is of a scope not previously presented. Specifically, newly proposed claim 11 is broader in scope than the previous version of claim 11 which had been indicated as allowable if presented in independent form[1]. Accordingly, the amendment clearly fails to simplify the issues, in fact, it raises new issues and would have required further search and/or consideration if entered. As such, the examiner acted properly and within his duties to deny entry of this amendment.

The examiner's refusal to enter the proposed amendment is correct and consistent with Office policy and practice. Accordingly, the Petition to compel the examiner to enter the amendment filed May 5, 2003 is **DISMISSED**.

II. Refund of Fees

As set forth in 37 C.F.R. §1.116, an ***"admission of***...any amendment after final rejection...***will 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"*** (emphasis original). It is Applicant's responsibility after a final action to ensure that the application is not abandoned, regardless of the status of any after-final amendment filed with the Office or any advisory action mailed by the Office.

Applicant elected[2] to avoid the possibility of abandonment by filing an RCE accompanied with the appropriate fees on July 7, 2003.

The extension of time fee paid on July 7, 2003 was necessary to prevent the application from going abandoned. Therefore, the fee paid was not a mistake (a fee paid when no fee is required) in accordance with 37 C.F.R. 1.26(a). The fee of $410.00 paid by Applicant was also the proper extension of time fee for a two month extension of time at the time the fee was paid. Therefore, the fee paid was not in excess of the amount of fee that was required. See also MPEP §607.02. Since

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[1] Note further that although amended claim 20 appears to be narrower than previously presented claim 22, the underlining and cross-out are not consistent with the changes from the previous claim 20.

[2] Applicant could have filed the Petition upon receipt of the advisory without paying any fees, and could have filed a Notice of appeal at the 6-month date to prevent the case going abandoned if no decision had been rendered.

the fee paid was not a mistake or in excess of the required amount, the request for a refund does not fit under the categories of reasons for the Office to grant a refund as set forth in 37 C.F.R. 1.26(a) and the fee should not be refunded in accordance with the provisions of 37 C.F.R. 1.26(a).

Similarly the fee of $750.00 paid by Applicant was the proper fee for the filing of an RCE. Applicant elected to file an RCE, accordingly the fee paid was not a mistake or in excess of the required amount, the request for a refund does not fit under the categories of reasons for the Office to grant a refund as set forth in 37 C.F.R. 1.26(a) and the fee should not be refunded in accordance with the provisions of 37 C.F.R. 1.26(a).

The petition to refund the two month extension of time fee of $410 and the RCE filing fee of $750 in accordance with 37 C.F.R. 1.26(a) is **DISMISSED.**

Inquiries with respect to this decision may be directed to Special Programs Examiner Pinchus M. Laufer at (703) 306-4160.

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 306-4160

UNITED STATES
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UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 27

Sandra Lee
Darby & Darby
Post Office Box 5257
New York, N.Y. 10150-5257

Date: November 20, 2004
Application No. 09/534,960
Filed: March 27, 2000
Subject: **CONTROLLED DELIVERY SYSTEM OF ANTI-FUNGAL AND KERATOLYTIC AGENTS FOR LOCAL TREATMENT OF FUNGAL INFECTIONS OF THE NAIL AND SURROUNDING TISSUES**

ON PETITION
37 CFR 1.48

Receipt is acknowledged of the petition filed July 30, 2004 under 37 CFR 1.48(a) for correction of inventorship. The petition has been **GRANTED**.

In view of the papers filed, it has been found that this non-provisional application, as filed, through error and without deceptive intent, improperly set forth the Inventorship, and accordingly, this application has been changed by the **deletion of RACHEL COHEN, YECHIEL GOLANDER, DANIEL MOROS, AND BARRIE LEVITT**. The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

THURMAN K. PAGE, M.A., J.D.
SUPERVISORY PATENT EXAMINER

Thurman K. Page

THURMAN K. PAGE
United States Patent and Trademark Office
Technology Center 1600
SPE, ART UNIT 1615
Remsen 4A81
571-272-0602

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090601

DATE : June 01, 2009

TO SPE OF : ART UNIT 1661

SUBJECT : Request for Certificate of Correction on Patent No.: PP 12,133

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 - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 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 **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/Anne Marie Grunberg/
Supervisory Patent Examiner, Art Unit 1661

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 4

HICKMAN, STEPHENS,
COLEMAN & HUGHES, LLP
P.O. Box 52037
Palo Alto, CA 94303-0746

OCT 27 2000

In re Application Serial No.:
09/535,045

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 attorney Zilka in a Change of Address request filed July 21, 2000.

KENNETH A. WIEDER
SPECIAL PROGRAM EXAMINER
GROUP 2700

Kevin J. Zilka
P.O. Box 721030
San Jose, CA 95172-1030

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
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Paper No. 13

SILICON VALLEY INTELLECTUAL PROPERTY GROUP
P.O. BOX 721120
SAN JOSE, CA 95172-1120

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OCT 07 2003

OFFICE OF PETITIONS

In re Application of :
Walter E. Donovan et al :
Application No. 09/535,045 :
Filed: March 24, 2000 :
Attorney Docket No. NVIDP013 :

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 2671.

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
WASHINGTON, D.C. 20231
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Paper No.4

STEVEN CHRISTOPHER SWIFT
Crystal Park III Suite 500
2231 Crystal Drive,
Arlington, VA 22202-3736

MAIL

MAY 24 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Loubaris Mohamed Faical
Application No.: 09/535,161
Filed: March 24, 2000
For: ELECTRONIC SWITCHING SYSTEM

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102, filed November 19, 2001, to make the above-identified application special.

The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

A grantable petition under 37 C.F.R. § 1.102(d), M.P.E.P. § 708.02, item II: Infringement, must be accompanied by the required fee and a statement alleging:

(1) that there is an infringing device or product actually on the market or method in use;

(2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(3) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Further, Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The above requirements are met and therefore the petition is **GRANTED**.

The application will maintain its special status throughout its entire course of prosecution at the Patent and Trademark Office, including appeal, if any to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application file will be forwarded to the examiner for expedited prosecution.

Krista M. Zele
Special Program Examiner
Technology Center 2600
703-305-4701

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
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Texas Instruments Incorporated
P.O. Box 655474, M/S 3999
Dallas, TX 75265

MAIL

JUL 2 9 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Tsai
Application No.: 09/535,226
Filed: March 24, 2000
Attorney Docket No.: TI-29058
For: INTERFACE BETWEEN DIFFERENT CLOCK RATE COMPONENTS

DECISION ON PETITION TO ACCEPT CORRESPONDENCE AS TIMELY FILED UNDER 37 CFR §1.8

This is a decision on the petition filed April 28, 2005 to have correspondence deemed to have been timely filed under 37 CFR § 1.8(b).

A review of the file indicates that a Final Office action was mailed October 24, 2003. An amendment after final was received on December 18, 2003. In response, an Advisory Action was mailed on January 23, 2004. A request for extension of time (one month, $110) and Notice of Appeal were filed on February 24, 2004. A timely received Appeal Brief was then filed on April 26, 2004 and is of record. In addition, a correspondence address change was processed on May 27, 2005. Finally, upon reopening prosecution, the Examiner issued a subsequent Final-Office Action, which was mailed on July 21, 2005.

In light of the reopening of prosecution by the Examiner in charge of the instant application, the petition to consider the correspondence filed April 26, 2004 as having been timely filed, is deemed to be moot.

Accordingly, the petition is **DISMISSED AS MOOT**.

Any questions regarding this decision can be directed to the undersigned at 571-272-3595.

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090428

DATE : April 28, 2009

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction on Patent No.: 7,079,596

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 - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 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 **Certificates of Correction Branch**

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

Note your decision on the appropriated box.

☒ **Approved** All changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

/Chieh M Fan/
Supervisory Patent Examiner, Art Unit 2611

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AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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OCT 2 2002

#15

JAMES GREGORY CULLEM, ESQ.
INTELLECTUAL PROPERTY COUNSEL
CELL SIGNALING TECHNOLOGY, INC.
166B CUMMINGS CENTER
BEVERLY MA 01915

In re Application of	:
Michael J. Comb et al	:
Serial No.: 09/535,364	: PETITION TO MAKE SPECIAL
Filed: March 24, 2000	:
Attorney Docket No.: CST-138	:

This is in response to applicant's petition filed September 17, 2002, to make the above-identified application special under the provisions of 37 CFR 1.102(c).

Applicants' statement of why special status for the above identified application is requested is unclear. Applicants' reason(s) may be related to sections I, II or XII, or possibly some other section of M.P.E.P. 708.02. Applicants indicate the method claims may be subject to infringement (II), but fail to provide the required statements in order to qualify for special status. Applicants also indicate that manufacture (I) is already effected which would apparently disqualify the application from special status under this section. The application may be related to biotechnology (XII), but it is unclear that this is the reason for requesting special status. Absent some clear reason(s) satisfying one of the sections of M.P.E.P. 708.02, special status cannot be granted. It is also noted that applicants have received two Office actions prior to the submission of this petition indicating that the application is under active prosecution in the Office.

The petition is **DISMISSED** for the reasons set forth above.

The application will be forwarded to the examiner for further consideration.

The petition fee of $130.00 will be charged to applicants' Deposit Account No. 50-1774, as directed.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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DIW Apr-07

DILLON & YUDELL LLP
8911 N. CAPITAL OF TEXAS HWY.,
SUITE 2110
AUSTIN TX 78759

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APR 1 1 2007

OFFICE OF PETITIONS

In re Application of	:	
Dutta et al.	:	DECISION ON PETITION TO
Application No. 09/535,581	:	WITHDRAW HOLDING OF
Filed: 27 March, 2000	:	ABANDONMENT
Atty. Docket No. AUS990891US1	:	

This is a decision on the petition filed on 10 January, 2007, which is treated as a petition to withdraw the holding of abandonment in the above-identified application.

The petition is **GRANTED**.

The application was held abandoned for failure to timely respond to the non-final Office action mailed on 26 July, 2005, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 4 January, 2007.

Petitioner asserts that the Office action mailed on 26 July, 2005, was not received.

A review of the official file reveals that although the non-final Office action has been entered in the Office PALM system as having been mailed on 26 July, 2005, no copy of the Office action mailed on 26 July, 2005, is located in the Image File Wrapper (IFW) system. As such, the date of mailing of the Office action cannot be verified. As such, it is concluded that the Office action may not have been mailed a result of Office error.

Additionally, petitioner has submitted a copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the

Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16, 1993) and M.P.E.P. § 711.03(c).

As such, there was an irregularity in the mailing of the Notice mailed on 25 July, 2005.

Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The application file is being referred to Technology Center 3600 technical support staff for remailing of the Office action mailed on 26 July, 2005. The period for reply will be reset from the mailing date thereof.

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

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SITRICK & SITRICK
8340 N LINCOLN AVENUE SUITE 201
SKOKIE IL 60077

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FEB 21 2007

OFFICE OF PETITIONS

In re Application of :
Ofek et al. :
Application No. 09/535,831 :
Filed: 03/28/2000 :
Attorney Docket No. SYN 1756 :

DECISION ON PETITION
UNDER 37 CFR 1.137(a)

This is a decision on the petition under 37 CFR 1.137(a), filed January 17, 2006, to revive the above-identified application.

The application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action, mailed December 3, 2003, which set a shortened statutory period for reply of three (3) months. Applicants obtained an extension of time for response within the third month pursuant to 37 CFR 1.136(a). Accordingly, the application became abandoned on June 4, 2004.

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 "Renewed Petition under 37 CFR 1.137."

A grantable petition to revive an abandoned application under 37 CFR 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 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 was unavoidable.

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant 37 CFR 1.137(d).

This petition lacks item (3) above.

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable." 35 U.S.C. § 133. 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. 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). 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 cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned 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, facsimile, 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).

In the present petition, applicants asserted that the delay in prosecuting the present application was unavoidable and through no fault of applicants or their representatives. Applicants explained that the basis of the final rejection in the present application involved a question of inventorship between the present application and Patent No. 6,272,131. Applicants filed a petition under 37 CFR 1.324 in Patent No. 6,272,131 to add an inventor on June 3, 2004, which was granted by the decision dated December 30, 2005. Applicants contended that they contacted the USPTO repeatedly since the filing of the petition in order to correct the inventorship and promote the prosecution of the present application. Applicants stated that the issue of inventorship was resolved approximately 1.5 years after the petition under 37 CFR 1.324 was filed. Applicants indicated that they were unable to file a Request for Continued Examination (RCE) because the application would have been finally rejected again in view of the fact that the petition under 37 CFR 1.324 had not been processed and granted. Applicants stated that the Examiner did not suspend prosecution of the present application while they were waiting for the Office to grant the petition under 37 CFR 1.324 in Patent No. 6,272,131, which resulted in the unavoidable abandonment of the present application.

Initially, the Office notes that it is incumbent upon an applicant to take steps to ensure against abandonment of an application. An applicant may delay action until the end of the time period for reply. In doing so, however, the applicant must assume the risk attendant to such delay. See Ex parte Warren, 1901 Dec. Comm'r Pat. 137 (Comm'r Pat. 1901). Although applicants may have been in contact with the USPTO via telephone, applicants did not submit any written reply or other paper in this application to advance its prosecution. It appears that applicants waited almost two years for a decision on the petition under 37 CFR 1.324 in Patent No. 6,272,131 and did not prosecute this application during that period of time. There were several steps that applicants could have and should have taken to keep this application pending while also awaiting the outcome of the correction of inventorship in the patent. Applicants could have submitted a RCE (and fee) in response to the final Office action, accompanied by a request a suspension of action under 37 CFR 1.103 (c) (and fee). Additionally, applicants could have filed a request for an extension of time under 37 CFR 1.136(b) (and fee) due to USPTO delay pending the outcome of the 324 Request. Furthermore, applicants could have filed a continuing application.

A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. *See* In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); *see also* In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994) (while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

Accordingly, the record reveals that applicants did not take appropriate and diligent actions to ensure that a proper and timely response was submitted in the USPTO so as to prevent the application from becoming abandoned. Applicants have not provided a sufficient showing to the satisfaction of the Director 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.

Therefore, the petition under 37 CFR 1.137(a) is **dismissed**.

Alternative Venue

Applicants may wish to file a petition under 37 CFR 1.137(b) to revive the application on the basis of unintentional delay instead of submitting a renewed petition under 37 CFR 1.137(a).

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office communication, unless previously filed.

(2) The petition fee as set forth in 37 CFR 1.17(m) **(an additional $750.00 for a small entity)**; and

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

Telephone inquiries related to this decision should 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
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SITRICK & SITRICK
8340 N LINCOLN AVENUE SUITE 201
SKOKIE IL 60077

In re Application of	:	
Ofek et al.	:	
Application No. 09/535,831	:	DECISION ON PETITION
Filed: 03/28/2000	:	UNDER 37 CFR 1.137(a)
Attorney Docket No. SYN 1756	:	

This is a decision on the renewed petition under 37 CFR 1.137(a), filed March 26, 2007, to revive the above-identified application.

The application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action, mailed December 3, 2003, which set a shortened statutory period for reply of three (3) months. Applicants obtained an extension of time for response within the third month pursuant to 37 CFR 1.136(a). Accordingly, the application became abandoned on June 4, 2004. On January 17, 2006, applicants filed a petition under 37 CFR 1.137(a), which was dismissed by the decision of February 21, 2007.

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 "Renewed Petition under 37 CFR 1.137."

A grantable petition to revive an abandoned application under 37 CFR 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 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 was unavoidable.

(4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant 37 CFR 1.137(d).

This petition does not meet the showing as to item (3)[1] above.

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable." 35 U.S.C. § 133. 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. 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). 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 cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned 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, facsimile, 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).

In the present petition, applicants asserted that the delay in prosecuting the present application was unavoidable and through no fault of applicants or their representatives. Applicants explained that the basis of the final rejection in the present application involved a question of inventorship between the present application and Patent No. 6,272,131. Applicants filed a petition under 37 CFR 1.324 in Patent No. 6,272,131 to add an inventor on June 3, 2004, which was granted by the decision of December 30, 2005. Applicants stated that they contacted the USPTO in writing to request the status of the petition under 37 CFR 1.324 for Patent No. 6,272,131 on October 7, 2005 and December 14, 2005. Copies of

[1] Applicants asserted that the decision of February 21, 2007, stated that the previously filed petition under 37 CFR 1.137(a) lacked a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unavoidable. There appears to be some confusion as the statement in the decision that the "petition lacked item (3)." In actuality, the Office determined that applicants' petition did not meet the showing 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. The Office apologizes for any misunderstanding.

the status inquiries accompany the petition. Additionally, applicants asserted that they "continued to prosecute Patent No. 6, 272,131," by filing a substitute declaration and an assignment on February 3, 2006, and November 10, 2006, respectively. Applicants indicated that the issue of inventorship was resolved approximately 1.5 years after the petition under 37 CFR 1.324 was filed. Further, applicants averred that the examiners advised them that prosecution of this application could not proceed until the petition under 37 CFR 1.324 was decided by the Office because the question of inventorship was the only obstacle to the continued prosecution of the application. Applicants asserted that they repeatedly called the examiners and the Office of Petitions to advance the prosecution of this application, but the Office responded that there was nothing that could be done by the examiners or applicants until the Office acted on the petition under 37 CFR 1.324 in Patent No. 6,272,131.

Applicants asserted that the record shows that they took appropriate and diligent actions to ensure that a proper and timely response was submitted to the USPTO. Applicants averred that the delay was unavoidable because of the unforeseen faults and imperfections of the USPTO and its instrumentalities. Applicants argued:

> In fact, the U.S.P.T.O. was undergoing major changes during the time that the Petition under 37 CFR 1.324 was filed: it was in the midst of moving its equipment and personnel to the new facilities in Alexandria. A certain amount of confusion at the Office was unavoidable. The move began in 2003 and was not completed until 2005. Applicants' respectfully submit that the Examiners' inability to locate the Petition, the Office of Petitions' inability to locate the Petition, and the Office's inability to timely process the Petition were all unavoidable. The postcard date-stamped January 6, 2006 from the U.S.P.T.O. stated that a request for a Certificate of Correction (instead of the Petition) had been received for Patent No. 6,272,131- this mistake was unintentional, avoidable and understandable. However, Applicants respectfully submit that they should not be penalized for the U.S.P.T.O's unavoidable, unforeseen faults and imperfections.
>
> ...
>
> Filing an RCE would not have been an appropriate course of action, because at most, Applicants would have gained three months time to wait for the afore-mentioned Petition to be processed by the Office; at which time, the Office was unavoidably unable to process the Petition in a timely manner through the unforeseen fault or imperfection of the U.S.P.T.O and its instrumentalities. Filing an RCE would have resulted in another Final Rejection. The only way for Applicants to advance the prosecution of Serial Number 09/535,831 was to prosecute Patent No. 6,272,131; which they did.

Petition dated 03/23/07, p.3.

Again, the Office reminds applicants that it is incumbent upon an applicant to take steps to ensure against abandonment of an application. An applicant may delay action until the end of the time period for reply. In doing so, however, the applicant must assume the risk attendant to such delay. See Ex parte Warren, 1901 Dec. Comm'r Pat. 137 (Comm'r Pat. 1901). Here, applicants filed the petition

under 37 CFR 1.324 on June 3, 2004, the last day of the statutory period to reply to the final Office action. Applicants did not explain why they delayed filing the petition under 37 CFR 1.324 for almost six months after becoming aware of the issue of inventorship as stated in the Office action of December 3, 2003. Although applicants may have been in contact with the USPTO as to the status of the petition, the record does not show that applicants acted diligently to continue the prosecution of this application. By their own admission, applicants indicated that the only step they took to advance prosecution of this application was to prosecute Patent No. 6,272,131.

As to applicants' assertion that the examiners advised them that prosecution of this application could not proceed until the Office decided the petition under 37 CFR 1.324, the Office reminds applicants that reliance on oral advice by a USPTO employee does not render the delay unavoidable. As previously stated, there were several steps that applicants could have and should have taken to keep this application pending while also awaiting the outcome of the correction of inventorship in the patent. Applicants could have submitted a RCE (and fee) in response to the final Office action, accompanied by a request a suspension of action under 37 CFR 1.103 (c) (and fee). Additionally, applicants could have filed a request for an extension of time under 37 CFR 1.136(b) (and fee) due to USPTO delay pending the outcome of the 324 Request. Furthermore, applicants could have filed a continuing application. Although applicants argued that the filing of an RCE was not an appropriate course of action, applicants did not explain why they did not file one of the other types of replies to the final Office action available to them, as indicated above.

As to applicants' contention that the delay was unavoidable because of the unforeseen faults and imperfections of the USPTO and its instrumentalities, the Office reminds applicants that they bear the burden of proof, as well as the responsibility to ensure that any and all necessary actions were taken to continue the prosecution of this application. Applicants did not provide sufficient documentary evidence to establish that the delay was unavoidable due to the move by the USPTO to its new facilities in Alexandria, Virginia, or the processing of the papers in this matter.

A delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (1) the applicant's reliance upon oral advice from Office employees; or (2) the Office's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. *See* In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985); *see also* In re Colombo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994) (while the Office attempts to notify applicants of deficiencies in their responses in a manner permitting a timely correction, the Office has no obligation to notify parties of deficiencies in their responses in a manner permitting a timely correction).

Accordingly, the record reveals that applicants did not take appropriate and diligent actions to ensure that a proper and timely response was submitted in the USPTO so as to prevent the application from becoming abandoned. Applicants have not provided a sufficient showing to the satisfaction of the Director 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.

Therefore, the petition under 37 CFR 1.137(a) is again **dismissed**.

Alternative Venue

Applicants may wish to file a petition under 37 CFR 1.137(b) to revive the application on the basis of unintentional delay instead of submitting a renewed petition under 37 CFR 1.137(a).

A grantable petition under 37 CFR 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office communication, unless previously filed.

(2) The petition fee as set forth in 37 CFR 1.17(m) (**an additional $770.00 for a small entity**); and

(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Ofek et al. :
Application No. 09/535,831 :
Filed: 03/28/2000 :
Attorney Docket No. SYN 1756 :

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed April 18, 2008, to revive the above-identified application.

The application became abandoned for failure to file a timely and proper reply within the meaning of 37 CFR 1.113 to the final Office action, mailed December 3, 2003, which set a shortened statutory period for reply of three (3) months. Petitioner obtained an extension of time for response within the third month pursuant to 37 CFR 1.136(a). Accordingly, the application became abandoned on June 4, 2004.

With the present petition, petitioner submitted an amendment in response to the final Office action. Upon reviewing the amendment, the examiner determined that the amendment places the application in condition for allowance.

Thus, 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 a final amendment, made a proper statement of unintentional delay, and paid the requisite fees. Accordingly, the petition is **granted.**

This matter is being referred to Technology Center Art Unit 2616.

Telephone inquiries related to this decision may 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

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Paper No. 14

Fish & Richardson
45 Rockefeller Plaza
Suite 2800
New York, NY 10111

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OFFICE OF PETITIONS

In re Application of :
Shoji Kobayashi :
Application No. 09/535,939 : ON PETITION
Filed: March 24, 2000 :
Attorney Docket No. 10973-013001 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 4, 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 December 31, 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 1, 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 2800, Art Unit 2875.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Marianne Morgan for

Sherry Brinkley
Petitions Examiner

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 14

Brooks & Kushman
1000 Town Center, 22nd Floor
Southfield, MI 48075

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OFFICE OF PETITIONS

In re Application of :
Patrick M. Phillips :
Application No. 09/536,006 : ON PETITION
Filed: March 23, 2000 :
Attorney Docket No. Elect - 043436 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 2, 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 July 16, 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 October 17, 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 3621.

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)
6,415,033	2002-07-02	09/536,093	2000-03-24	ILIF01-00053

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	/William A. Munck/	Date (YYYY-MM-DD)	2010-07-21
Name	William A. Munck	Registration Number	39308

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.

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In re Patent No. 6415033
Issue Date: July 2,2002
Application No. 09536093
Filed: March 24,2000
Attorney Docket No. ILIF01-00053

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

This is a decision on the electronic petition, filed July 21,2010 ,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 21,2010 .
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. 6357899
Issue Date: March 19,2002
Application No. 09536113
Filed: March 27,2000
Attorney Docket No. JC-1

:

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

:

This is a decision on the electronic petition, filed March 12,2008 ,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 March 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)
6,357,899	2002-03-19	09/536,113	2000-03-27	

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

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	/Mark A. Ekse/	Date (YYYY-MM-DD)	2008-03-12
Name	Mark A. Ekse	Registration Number	50130

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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7-17-08

TO SPE OF : ART UNIT 2416

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/536191 Patent No.: 7386603

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. 117

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: _____

SPE

2471

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)
6665709	2003-12-16	09/536,203	2000-03-27	0172/0745-US0

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 Leason/	Date (YYYY-MM-DD)	2009-09-18
Name	David Leason	Registration Number	36195

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. 6665709
Issue Date: December 16,2003
Application No. 09536203
Filed: March 27,2000
Attorney Docket No. 2143.001

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

This is a decision on the electronic petition, filed September 18,2009 ,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 September 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

HAHN LOESER & PARKS, LLP
One GOJO Plaza
Suite 300
AKRON OH 44311-1076

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SEP 29 2006

OFFICE OF PETITIONS

In re Application of :
Helweg :
Application No. 09/536,328 :
Filed: March 24, 2000 :
Attorney Docket No. 6852-1 :
For: PRICE CHARTING SYSTEM AND TECHNIQUE

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 2, 2006 (certificate of mailing date April 27, 2006), to revive the above-identified application.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed October 3, 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. Accordingly, the application became abandoned on January 4, 2004 for failure to reply. A Notice of Abandonment was mailed on September 17, 2004.

Petitioner has submitted an amendment in reply to the October 3, 2003 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the October 3, 2003 non-final Office action, and the required petition fee.

The petition is **GRANTED**.

The application file is being forwarded to Technology Center AU 3624 for consideration of the amendment filed on May 2, 2006 (certificate of mailing date April 27, 2006).

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

Shirene Willis Brantley
Senior 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. 28

Pennie & Edmonds
1155 Avenue of the Americas
New York, NY 10036-2711

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JAN 2 1 2003

OFFICE OF PETITIONS

In re Application of
Mason et al.
Application No. 09/536,552
Filed: March 28, 2000
Attorney Docket No. 9926-003-999

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 3, 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 October 23, 2001. Extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, a Notice of Abandonment was mailed on December 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 1635 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
WASHINGTON, DC 20231
www.uspto.gov

Paper No. 8

MORTON J. ROSENBERG
ROSENBERG, KLIEN, AND LEE
3458 ELLICOTT CENTER DRIVE
SUITE 101
ELLICOTT CITY, MD 21043

MAILED

FEB 03 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

ON PETITION

In re Application of:
Shyh-Ren Kuo, et al.
Application No. 09/536,599
Filed: March 28, 2000
For: USB-BASED WIRELESS TRANSMITTING/RECEIVING SYSTEM

This is a decision on the petition filed September 3, 2002 under 37 C.F.R. § 1.181(a) to withdraw the holding of abandonment. No fee is required.

The application was held abandoned for failure to respond in a timely manner to the non-final Office Action mailed on June 19, 2001. A Notice of Abandonment was mailed on June 18, 2002.

Petitioner alleges to have timely filed a response to said Office Action. In support, Petitioner has provided a copy of a date-stamped post card receipt acknowledging receipt of the amendment in the U.S. Patent and Trademark Office on September 18, 2002. Petitioner submitted a copy of the response on September 3, 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 amendment was received in the Office but was not matched with the application file.

The Notice of Abandonment is hereby vacated and the Holding of Abandonment withdrawn.

For the reasons above, the petition is **GRANTED**.

The application file will be forwarded to Technology Center's technical support staff for entry of the response. From there, the application file will be forwarded to the examiner for further action in due course.

Allen MacDonald

Allen R. MacDonald, 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

BOEHRINGER INGELHEIM CORPORATION
900 RIDGEBURY ROAD
P O BOX 368
RIDGEFIELD CT 06877

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OCT 2 1 2003

OFFICE OF PETITIONS

In re Application of
Esser et al.
Application No. 09/536,728
Filed: March 28, 2000
For: Substituted Phenyliminoimidazolines and Pharmaceutical Compositions Containing Them
Attorney Docket No: 1/1003-2-D1
Pub. No.: US 2002/0040150 A1
Pub. Date: April 4, 2002

This is a decision on the request for corrected patent application publication under 37 CFR 1.221(b), filed on August 25, 2003 for the above-identified application.

The request is DISMISSED.

The instant request is that the application be republished because the patent application publication contains an incorrect title.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." The request for corrected publication received on August 25, 2003, was not timely filed under 37 CFR 1.221(b).

Furthermore, a material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The title of the invention has been corrected and a Corrected Filing Receipt is enclosed.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18(d)

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[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(b), should be submitted via the EFS system and questions or request for reconsideration of this decision, should be addressed as follows:

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

By facsimile: 703-305-8568

Inquires concerning this communication should be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: Corrected Filing Receipt

UNITED STATES 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.

Eric J. Robinson
Robinson Intellectual Property Law Office, P.C.
PMB 955
21010 Southbank Street
Potomac Falls, VA 20165

COPY MAILED

DEC 2 3 2004

OFFICE OF PETITIONS

In re Application of :
Shunpei Yamazaki,e tal. :
Application No. 09/536,782 : ON PETITION
Filed: March 28, 2000 :
Attorney Docket No. 0756-2134 :

This is a decision on the petition, filed December 22, 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 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 March 1, 2004 in the application cannot be refunded. If, however, the 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) 272-3223.

The application is being forwarded to Technology Center AU 2674 for processing of the request for continued examination under 37 CFR 1.114

Marianne E. Jenkins
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 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 t wards the new Notice and payment of any balance due will result in the abandonment of the application.**

UNITED STATES 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 22, 2004

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Shunpei Yamazaki, et al.
Application No. : 09/536,782
Filed : March 28, 2000

The above-identified application has been assigned Patent No. 6,839,044 and an issue date of January 4, 2005.

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 January 4, 2005:

> "All reference to Patent No. 6,839,044 to Shunpei Yamazaki of Tokyo, Japan for LIQUID CRYSTAL DISPLAY DEVICE appearing in the Official Gazette of January 4, 2005 should be deleted since no patent was granted."

Marianne C. Jenkins for
Frances M. Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, Crystal Park 3-441 (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-910 (FAX-305-4372)
Janet Higgins, Crystal Park 3-910 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K.Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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CARROLLTON TX 75006

MAILED

JUN 30 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Charles F. Neugebauer
Application No. 09/536,880
Filed: March 27, 2000
For: **CONTEXT SENSITIVE SCALING DEVICE AND METHOD**

DECISION ON PETITION

This is a decision on the Petition to Withdraw the Holding of Abandonment filed February 14, 2005, pursuant to 37 C.F.R. § 1.181(a). No fee is required.

This application became abandoned for failure to timely file an appeal brief in response to the Notice of Appeal filed March 1, 2004. A Notice of Abandonment was mailed on December 10, 2004.

Petitioner alleges to have timely filed a proper response on August 9, 2004. In support, petitioner has provided as evidence, copies of the appeal brief (in triplicate) and a copy of a petition for three month extension of time each of which included a certificate of mailing signed by applicant's representative. In addition, Petitioner also provides a transmittal letter and a declaration by applicant's representative, attesting to the timely mailing of the appeal brief.

37 C.F.R. § 1.8 Certificate of mailing or transmission states in part:
(a) Except in the cases enumerated in paragraph (a)(2) of this section, correspondence required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated. [emphasis added]

A review of the file record does not reveal the original appeal brief submission. However, petitioner has complied with the requirements set forth in 37 C.F.R. §1.8(a) above.

Accordingly, the petition is **GRANTED**.

The holding of abandonment is withdrawn.

The application file is being forwarded to the technical support staff for entry of the appeal brief. Thereafter, the application will be forwarded to the examiner for appropriate action in due course.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications

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BRACEWELL & PATTERSON LLP
SOUTH TOWER PENNZOIL PLACE
711 LOUISIANA STREET,
SUITE 2900
HOUSTON TX 77002-2781

COPY MAILED
MAR 12 2010

In re Patent No. 6,608,395	:	
Issue Date: August 19, 2003	:	
Application No. 09/537,023	:	NOTICE
Filed: May 28, 2000	:	
Attorney Docket No. 046614.008017	:	

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 Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

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Paper No. 10

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of:
JACOBS, BERNARDUS A.J.
Application No. 09/537,078
Filed: March 28, 2000
For: **METHOD AND DEVICE FOR RECORDING MARKS IN AN INFORMATION LAYER OF AN OPTICAL RECORD CARRIER**

DECISION ON PETITION

This is a decision on the Petition filed April 9, 2003, which is being treated under 37 C.F.R. § 1.8 to withdraw the holding of abandonment.

A Notice of Abandonment was mailed March 19, 2003 for failure to timely respond to the Office action mailed August 14, 2002.

Petitioner alleges to have timely submitted a response to the Office action. In support, the Petitioner has included the response with a Certificate of Mailing of November 12, 2002.

Under 37 CFR 1.8(a)(1), correspondence is considered timely if
(1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 CFR 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 CFR 1.6(d); and
(2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

Pursuant to 37 CFR 1.8(b), a 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 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 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 set forth in 37 C.F.R. § 1.8(b).

Accordingly, 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 technical support staff for entry of the response, whereafter, it will be forwarded to the Examiner for further examination.

James L. Dwyer, Director
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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AUG 25 2004

In re Application of Bartolomei et al Application No. 09/537,095 Filed: March 29, 2000 Attorney Docket No. DEP05 510	DECISION GRANTING PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the Request To Remail Office Action and Restart the Period For Reply filed on February 18, 2004, requesting withdrawal of the holding of abandonment of the above-identified application because the applicant did not receive the Office communication mailed on October 30, 2001 at the correspondence address of record. The Request will be treated as a petition to withdraw the holding of abandonment based on not receiving the Office commnunication.

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.

Nam X. Nguyen, SPE Art Unit 1753
Technology Center 1700
571-272-1432

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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Paper No. 7

Finnegan Henderson Farabow
Garrett & Dunner LLP
1300 I. Street, NW
Washington, DC 20005

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MAR 1 4 2003

OFFICE OF PETITIONS

In re Application of
Darin Wayne Higgins et al.
Application No. 09/537,162
Filed: March 29, 2000
Attorney Docket No. 0151MC-43714

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 3, 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 July 1, 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 2, 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 March 3, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being forwarded to Technology Center AU 2672 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

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Paper No.

FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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OCT 0 3 2006
OFFICE OF PETITIONS

In re Application of :
Darin Higgins, Dan Scott and :
John Howard : DECISION ON PETITION
Application No. 09/537,162 :
Filed: March 29, 2000 :
Atty Docket No. 0151MC-43714 :

This is a decision on the PETITION FOR CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. § 1.48(a) AND PETITION FOR FILING DECLARATION UNDER 37C.F.R. § 1.183 filed September 19, 2005. Applicants request waiver of the requirement under § 1.48(a)(3) for re-execution of the declaration by all of the actual inventors. The petition was recently forwarded to the undersigned for consideration.

The petition is **GRANTED**.

The above-identified application was filed on March 29, 2000, with a declaration executed by joint inventors Darin Higgins and Dan Scott. On September 19, 2005, the instant request under § 1.48(a) was filed to amend the inventorship to add joint inventor John Howard.

37 CFR 1.48(a) requires:

(1) A request to correct the inventorship that sets forth the desired inventorship change;

(2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;

(3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47;

(4) The processing fee set forth in § 1.17(i); and

(5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Petitioner has satisfied requirements (1),(2), (4) and (5) above. The petition specifically requests the addition of inventor Howard. The petition includes a statement from inventor Howard that the inventorship error occurred without deceptive intent. Petitioner has paid the processing fee. The petition includes a statement signed by Robert Kennard, with a statement that he is authorized to sign on behalf of the assignee company, consenting to the change in inventorship. Petitioner states that the assignment reflecting this ownership are recorded at reel/frame 014092/0850.

However, the petition does not satisfy requirement (3) above. The declaration submitted is re-executed by inventor Scott and executed by inventor Howard. Petitioner requests waiver of the requirement that all of the inventors sign the declaration on the basis that nonsigning inventor Higgins refuses to join in the application and/or cannot be found or reached after diligent effort to join in the application.

On very infrequent occasions, the requirements of 37 CFR 1.48(a) have been waived upon the filing of a request and fee under 37 CFR 1.183 (along with the request and fee under 37 CFR 1.48(a)) to permit the filing of a statement by less than all the parties required to submit a statement. In re Cooper, 230 USPQ 638, 639 (Dep. Assist. Comm'r Pat. 1986). However, such a waiver will not be considered unless the facts of record unequivocally support the correction sought. In re Hardee, 223 USPQ 1122, 1123 (Comm'r Pat. 1984). As 37 CFR 1.48(a) is intended as a simple procedural remedy and does not represent a substantive determination as to inventorship, issues relating to the inventors' or alleged inventors' actual contributions to conception and reduction to practice are not appropriate for consideration in determining whether the record unequivocally supports the correction sought.

As to requirement (3), in such circumstances, a petition under 37 CFR 1.183 should be considered requesting waiver of the requirement of 37 CFR 1.64 that each of the actual inventors execute the oath or declaration, particularly where assignee consent is given to the requested correction. Absent assignee consent, the petition under 37 CFR 1.183 requesting waiver of the re-execution of the oath or declaration will be evaluated as to whether the non-signing inventor was actually given the opportunity to re-execute the oath or declaration, or whether the non-signing inventor could not be reached. See MPEP 201.03. As discussed above, assignee consent is given to the requested correction. This consent is supplemented by evidence that the non-signing inventor Higgins has refused to join in the application. Accordingly, the waiver is **GRANTED**.

Receipt of payment of the processing fee of $130 under 1.17(i) is acknowledged. The petition fee of $400 under 37 CFR 1.183 has been charged to petitioner's Deposit Account, as authorized.

The instant application is under a notice of allowance. The Office of Patent Publication has been advised of this decision.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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JAN 27 2010

In re Patent No. 7,148,898	:	
Issued: December 12, 2006	:	
Application No. 09/537,162	:	NOTICE
Filed: March 29, 2000	:	
Attorney Docket No. 0151MC-43714	:	

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

The petition is not signed by a registered attorney or agent of record. However, in accordance with 37 CFR 1.34(a), the signature of Anthony J. Lombardi 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 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.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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JAN 15 2004

Paper No. 33

TIME DOMAIN CORPORATION
7057 OLD MADISON PIKE
HUNTSVILLE, AL 35806

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JAN 13 2004

OFFICE OF PETITIONS

In re Application of :
Richards :
Application No. 09/537,263 : ON PETITION
Filed: March 29, 2000 :
Attorney Docket No. 1659.0890000 :

This decision is in response to the petition under 37 CFR 1.137(b) filed December 23, 2003.

The petition is GRANTED.

This application became abandoned February 20, 2003 for failure to timely submit the issue fee, as required by the Notice of Allowance and Issue Fee Due ("Notice") mailed November 19, 2002. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed May 14, 2003. A petition under 37 CFR 1.181 was filed July 9, 2003 and dismissed August 4, 2003.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (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; 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).

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit issue fee is accepted as having been unintentionally delayed.

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

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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 publishing for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Senior Petitions Attorney
Office of Petitions

CC: ROBERT S. BABAYI
VENABLE LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

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Paper No. 16

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK, NY 10023

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JUN 09 2003

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Ashish Kishor Lele :
Application No. 09/537,450 :
Filed: March 27, 2000 :
Attorney Docket No. U012676-7 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 29, 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 8, 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, nor 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 August 9, 2002.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on May 29, 2003.

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 1713 for further processing.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEVIN INTELLECTUAL PROPERTY GROUP
384 FORESET AVENUE, SUITE 13
LAGUNA BEACH, CA 92651

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JUL 2 8 2004

OFFICE OF PETITIONS

In re Application of	:	
Ranganathan et al.	:	
Application No. 09/537,738	:	ON PETITION
Filed: March 29, 2000	:	
Attorney Docket No. 2283.300.001	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 26, 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 August 4, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on November 5, 2003. A Notice of Abandonment was mailed on May 12, 2004.

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 2800 for further examination on the merits.

Telephone inquiries should be directed to the undersigned at (703) 306-0482. Any telephone inquiries after approximately **September 24, 2004** should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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JENKINS & WILSON, PA
3100 TOWER BLVD.
SUITE 1400
DURHAM, NC 27707

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DEC 23 2004

OFFICE OF PETITIONS

In re Application of	:	
Miller et al.	:	
Application No. 09/537,835	:	ON PETITION
Filed: March 29, 2000	:	
Attorney Docket No. 1322/2	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 13, 2004, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the final Office action mailed June 4, 2004. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on September 5, 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 $1020.00 extension of time fee submitted with the petition on December 13, 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.

This matter is being referred to Technology Center 2600 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

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
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Paper No. 20

SIDNEY PERSLEY
SUN CHEMICAL CORPORATION
222 BRIDGE PLAZA SOUTH
FORT LEE, NJ 07024

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OCT 2 5 2002

OFFICE OF PETITIONS

In re Application of
Subhankar Chatterjee et al
Application No. 09/538,024
Filed: March 29, 2000
Attorney Docket No. C-481B

:DECISION DISMISSING PETITION
:UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed October 3, 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 action within the meaning of 5 U.S.C. § 704.

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 December 18, 2001, which set a shortened statutory period for reply of three (3) months. A two month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on May 19, 2002.

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 items (1), (2) and (3).**

As to item (1), the petition to revive was accompanied by a request for continued examination (RCE) under 37 CFR 1.114, which states that the enclosed continuation-in-part application is the submission.

37 CFR 1.114 provides that, if prosecution in an application is closed, ***an applicant may request continued examination of the application by filing a submission*** and the fee prior to the earliest of (1) payment of the issue fee, unless a petition under § 1.313 is granted; (2) abandonment of the application; or (3) the filing of a Notice of Appeal to the U.S. Court of Appeals for the Federal Circuit or commencement of a civil action.

Prosecution in an application is closed when the application is under appeal, ***or the last Office action is a final action (§ 1.113)***, a notice of allowance (§1.311) has been mailed, or contains an action that otherwise closes prosecution of the application (i.e., Ex parte Quayle).

In the instant application, since prosecution has closed, the filing of an RCE is proper. However, the RCE is not accompanied by the submission required by 37 CFR 1.114. In this regard, the submission accompanying the RCE must be a reply responsive within the meaning of 37 CFR 1.111 to the last Office action. The submission may be a previously filed amendment after final. *See* MPEP Section 711.03(c), subsection (d) Filing of an RCE as the Required Reply, page 700-143. In the instant case, petitioner has indicated that the submission is the filing of a continuation-in-part application. However, the filing of a continuation-in-part application is not a proper submission under 37 CFR 1.114. Accordingly, a submission as required by 37 CFR 1.114 must be submitted to revive the instant application.[1]

---

[1] The Office has charged two fees for the RCE and filing fees for the continuing application papers. Since only one fee is necessary for the filing of an RCE, one of the $740 fees processed will be credited to petitioner's deposit account in due course, as well as the filing fees for the continuation-in-part application papers. In this latter regard, petitioner, Sidney Persley, indicated to the undersigned on October 23, 2002 that he did not wish to have the continuing application papers submitted with the RCE processed.

Further, it is unclear how petitioner wishes to proceed in the prosecution of this application since the RCE submission is the filing of the papers for a continuation-in-part application. If petitioner still desires to prosecute the instant application, a submission, as set out above, is required. If, on the other hand, petitioner does not wish to further prosecute the instant application and desires to abandon the application in favor of a continuing application, such statement must be supplied, along with a statement of express abandonment. Also, if petitioner does wish to proceed with continued examination in the instant application and does not wish to have the continuing papers submitted with the petition processed, a statement to disregard the continuing application papers must be included in the renewed petition; otherwise, the Office will proceed with processing the papers submitted with the petition as a new application.

As to item (2), the petition fee required by statute did not accompany the instant petition to revive. The petition fee is required before any further consideration on the merits of the petition will be undertaken.

As to item (3), the petition lacks 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 was unintentional."

In sum, revival of this application cannot be effected until the following requirements of 37 CFR 1.137(b) have been satisfied: (1) a submission as required by 37 CFR 1.114, or the filing of a continuing application, along with a statement of express abandonment (if it is desired to continue prosecution by way of a continuing application); (2) the petition fee required by statute; and (3) a statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional."

In order to expedite revival of this application, petitioner may wish to consider submitting the items required by this decision on petition in a renewed petition under 37 CFR 1.137(b) by facsimile transmission to the telephone number indicated below and to the attention of the undersigned.

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

By mail: U.S. Patent and Trademark Office
P.O. Box 2327
Mail Stop DAC
Arlington, VA 22202

OR

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 South Clark Place
Arlington, VA 22202

Any questions concerning this matter may be directed to the undersigned at (703) 305-8680 (work days are Monday through Thursday).

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. 24

SIDNEY PERSLEY
SUN CHEMICAL COMPANY
222 BRIDGE PLAZA SOUTH
FORT LEE, NJ 07024

COPY MAILED

JAN 14 2003

OFFICE OF PETITIONS

In re Application of	:
Subhankar Chatterjee et al	:
Application No. 09/538,024	:DECISION ON RENEWED PETITION
Filed: March 29, 2000	: UNDER 37 CFR 1.137(b)
Attorney Docket No. c-481B	:

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 26, 2002 and supplemented on January 6, 2003, to revive the above-identified application.

The petition is **granted**.

This application is being forwarded to Technology Center AU 1773 for processing the Request for Continued Examination (RCE) filed on October 3, 2002 and for appropriate consideration of the submission (amendment) filed December 26, 2002.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy
(703) 305-8680

UNITED STATES 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: 09-04

Paper No: __

FOLEY HOAG, LLP
PATENT GROUP, WORLD TRADE CENTER WEST
155 SEAPORT BLVD
BOSTON MA 02110

COPY MAILED
DEC 16 2004
OFFICE OF PETITIONS

In re Application of	:	
McKeon	:	
Application No.09/538,106	:	NOTICE
Filed: 29 March, 2000	:	
Attorney Docket No. HMV-038.02	:	

This is a notice regarding the request for acceptance of a fee deficiency submission (properly considered under 37 C.F.R. §1.28) filed via FAX on 23 April, 2004.

The Office regrets the delay in addressing this matter.

On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 C.F.R. §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.. No. 97-1128, -1280, -1453, 1998 U.S. App. LEXIS 21409, at *30 (Fed. Cir. Sept. 1, 1998).

Therefore, the fee deficiency submission (schedule of fees) under 37 C.F.R. 1.28[1] is hereby

[1] The regulations at 37 C.F.R. §1.28 provide:

§ 1.28 Refunds when small entity status is later established; how errors in small entity status are excused.
(a) *Refunds based on later establishment of small entity status.* A refund pursuant to § 1.26, based on establishment of small entity status, of a portion of fees timely paid in full prior to establishing status as a small entity may only be obtained if an assertion under § 1.27© and a request for a refund of the excess amount are filed within three months of the date of the timely payment of the full fee. The three-month time period is not extendable under § 1.136. Status as a small entity is waived for any fee by the failure to establish the status prior to paying, at the time of paying, or within three months of the date of payment of, the full fee.

ACCEPTED.

The fees are charged as authorized to Deposit Account 06-1448, HMV-038.02.

This file (in IFW) is released to the Examiner in Technology Center 1600 for further processing.

Inquiries related to this communication should be directed to the undersigned at (703) 305-9199.

John J. Gillon, Jr.
Senior Attorney
Office of Petitions

(b) *Date of payment.*

(1) The three-month period for requesting a refund, pursuant to paragraph (a) of this section, starts on the date that a full fee has been paid;

(2) The date when a deficiency payment is paid in full determines the amount of deficiency that is due, pursuant to paragraph © of this section.

© *How errors in small entity status are excused.* If status as a small entity is established in good faith, and fees as a small entity are paid in good faith, in any application or patent, and it is later discovered that such status as a small entity was established in error, or that through error the Office was not notified of a loss of entitlement to small entity status as required by § 1.27(g)(2), the error will be excused upon: compliance with the separate submission and itemization requirements of paragraphs (c)(1) and (c)(2) of this section, and the deficiency payment requirement of paragraph (c)(2) of this section:

(1) *Separate submission required for each application or patent.* Any paper submitted under this paragraph must be limited to the deficiency payment (all fees paid in error), required by paragraph (c)(2) of this section, for one application or one patent. Where more than one application or patent is involved, separate submissions of deficiency payments *(e.g.*, checks) and itemizations are required for each application or patent. See § 1.4(b).

(2) *Payment of deficiency owed.* The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(I) *Calculation of the deficiency owed.* The deficiency owed for each previous fee erroneously paid as a small entity is the difference between the current fee amount (for other than a small entity) on the date the deficiency is paid in full and the amount of the previous erroneous (small entity) fee payment. The total deficiency payment owed is the sum of the individual deficiency owed amounts for each fee amount previously erroneously paid as a small entity. Where a fee paid in error as a small entity was subject to a fee decrease between the time the fee was paid in error and the time the deficiency is paid in full, the deficiency owed is equal to the amount (previously) paid in error;

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, *(e.g.*, basic statutory filing fee, two-month extension of time fee) along with the current fee amount for a non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

(3) *Failure to comply with requirements.* If the requirements of paragraphs (c)(1) and (c)(2) of this section are not complied with, such failure will either: be treated as an authorization for the Office to process the deficiency payment and charge the processing fee set forth in § 1.17(I), or result in a requirement for compliance within a one-month non-extendable time period under § 1.136(a) to avoid the return of the fee deficiency paper, at the option of the Office.

(d) *Payment of deficiency operates as notification of loss of status.* Any deficiency payment (based on a previous erroneous payment of a small entity fee) submitted under paragraph © of this section will be treated under § 1.27(g)(2) as a notification of a loss of entitlement to small entity status.

[47 Fed. Reg. 40140, Sept. 10, 1982, added effective Oct. 1, 1982; para. (a), 49 Fed. Reg. 553, Jan. 4, 1984, effective Apr. 1, 1984; para. (d)(2), 57 Fed. Reg. 2021, Jan. 17, 1992, effective Mar. 16, 1992; para. © revised, 58 Fed. Reg. 54504, Oct. 22, 1993, effective Jan. 3, 1994; para. (a) revised, 60 Fed. Reg. 20195, Apr. 25, 1995, effective June 8, 1995; paras. (a) & © revised, 62 Fed. Reg. 53131, Oct. 10 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

SCAN! **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/25/07

TO SPE OF : ART UNIT 3742

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/538282 Patent No.: 6949729

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.

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

Comments: _____

SPE

3742
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

FOLEY AND LARDNER
150 E GILMAN ST
P O BOX 1497
MADISON, WI 53701-149

COPY MAILED

JUL 0 5 2006

OFFICE OF PETITIONS

In re Patent No. 6,617,106	:	
Issue Date: September 9, 2003	:	
Application No. 09/538,338	:	NOTICE
Filed: March 29, 2000	:	
Attorney Docket No. 13238.9USC1	:	

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.

Liana Chase
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. 36

SUGHRUE MION ZINN MACPEAK & SEAS PLLC
2100 PENNSYLVANIA AVENUE NW
WASHINGTON, DC 20037

COPY MAILED
OCT 29 2003
OFFICE OF PETITIONS

In re Application of
Kouki Ogawa, et al.
Application No. 09/538,469
Filed: March 29, 2000
Attorney Docket No. Q58486

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 28, 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 July 14, 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 relating to this decision should be directed to the undersigned at (703) 305-9220.

After the application is received in the Office of Petitions, the application will be forwarded to Technology Center AU 2814 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).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WAGNER MURABITO & HAO LLP
TWO NORTH MARKET STREET, THIRD FLOOR
SAN JOSE, CA 95113

COPY MAILED
APR 13 2006
OFFICE OF PETITIONS

In re Application of :
Jun Maruo et al :
Application No. 09/538,568 : ON PETITION
Filed: March 29, 2000 :
Attorney Docket No. SONY-50N3504

This is a decision on the petition filed, April 10, 2006 and supplemented on April 11, 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 March 20, 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 Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2132 for processing of the request for continued examination under 37 CFR 1.114 and Form 1449.

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

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SCHWEGMAN, LUNDBERG, WOESSNER &
DLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

MAILED

MAR 16 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re application of:
Brian Kougherty, et al.
Application No. 09/538,602
Filed: March 29, 2000
For: USING THE ELECTRONIC PROGRAM GUIDE TO SYNCHRONIZE INTERACTIVITY WITH BROADCAST PROGRAM

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney/agent of record filed on October 5, 2004.

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.

Attorney requesting withdrawal is not of record.

Accordingly, the request is **DENIED**.

All future communications from the Office will continue to be directed to the address listed above until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office of any change in correspondence address to ensure receipt of all communications from the Office.

Kenneth Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

UNITED STATES 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. 6325842
Issue Date: December 4,2001
Application No. 09538643
Filed: March 30,2000
Attorney Docket No. RA-1532

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

This is a decision on the electronic petition, filed April 7,2010 ,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 April 7,2010 . 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)
6325842	2001-12-04	09538643	2000-03-30	Caldwell RA-1532

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	/John H. Runnels/	Date (YYYY-MM-DD)	2010-04-07
Name	John H. Runnels	Registration Number	33451

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

#12

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APR 22 2004

TECHNOLOGY CENTER 2100

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 12

Hewlett Packard Company
P.O. Box 272400, 3404 E. Harmony Road
Intellectual Property Administration
Fort Collins, CO 80527-2400

In re Application of:
Stephen J. Sicola et al.
Application No. 09/538,700
Filed: March 30, 2000
For: METHOD FOR TRANSMISSION LOG FAILOVER MERGING DURING ASYNCHRONOUS OPERATIONS IN A DATA STORAGE NETWORK

DECISION ON PETITION UNDER 37 CFR §1.181 TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the petition filed 02 April 2004 under 37 CFR §1.181 to withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the Office action mailed 02 June 2003 (paper no. 9). A Notice of Abandonment was mailed 04 February 2004 (paper no. 10).

In support of the petition, Petitioner provides a copy of (1) a "Request for Continued Examination", (2) a facsimile cover sheet including a "Certificate of Transmission", signed by William J. Kubida and dated 02 September 2003 and (3) a transmission confirmation report.

37 CFR 1.8(b) sets forth in relevant part 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 is dismissed, terminated, or decided without prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:

...

(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 present petition does not include a statement from the party who transmitted the correspondence (i.e. the individual who signed the certificate of transmission and transmitted the

facsimile) which attests on a personal knowledge basis to the previous timely mailing. Accordingly, the Petition is **DISMISSED**.

Any request for reconsideration must be filed within two months of the mailing date of this decision.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (703) 305-9750.

Vincent N. Trans
Special Program 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
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Paper No. 14

Jed W. Caven
Hewlett Packard Company
P.O. Box 272400, 3404 E. Harmony Road
Intellectual Property Administration
Fort Collins, CO 80527-2400

MAILED

MAR 17 2006

Technology Center 2100

In re Application of:
Stephen J. SICOLA, et al.
Application No. 09/538,700
Filed: March 30, 2000
For: METHOD FOR TRANSMISSION LOG FAILOVER MERGING DURING ASYNCHRONOUS OPERATIONS IN A DATA STORAGE NETWORK

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

This is a decision on the renewed petition filed 20 August 2004 under 37 CFR § 1.181 requesting the withdrawal of the holding of abandonment of the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the Office action mailed 02 June 2003. A Notice of Abandonment was mailed on 04 February 2004.

In support of the renewed petition, Petitioner provides a statement attesting by personal knowledge that the RCE of 02 September 2003 was timely transmitted on 02 September 2003. A copy of the Request for Continued Examination (RCE) was provided on 02 April 2004.

Applicant has established that a timely RCE was filed on 02 September 2003. The Notice of Abandonment is hereby withdrawn.

The copy of Request for Continued Examination filed on 02 April 2004 is being forwarded to the Technology Center support Staff for processing the RCE and entering the Amendment after Final filed on 04 August 2003. The file will then be forwarded to the examiner for appropriate action.

Any inquiry concerning this decision should be directed to Vincent N. Trans whose telephone number is (571) 272-3613.

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ——

DATE : 11/27/06

TO SPE OF : ART UNIT 2625

SUBJECT : Request for Certificate of Correction for Appl. No.: 9/538947 Patent No.: 7038811 B1

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**.

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: _____

SPE

2625
Art Unit

Staple Here Only!

PRINTER'S TRIM LINE

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 7,038,811

DATED : May 2, 2006

INVENTOR(S) : John S. Haikin

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

Under "References Cited, U.S. Patent Documents", the following should be added:

--	5,200,816	*	4/1993	Rose	358/518
	5,227,872	*	7/1993	Yamaguchi	358/529
	5,296,923	*	3/1994	Hung	358/527
	5,381,349	*	1/1995	Winter, et al	382/167
	5,621,873	*	4/1997	Tanaka, et al	715/517
	5,781,206	*	7/1998	Edge	347/19
	6,141,120	*	10/2000	Falk	358/504
	6,141,464	*	10/2000	Handley	382/287
	6,181,354	*	1/2001	Swan	345/571
	6,381,037	*	4/2002	Balasubramanian, et al	358/3.23
	6,441,923	*	8/2002	Balasubramanian, et al	358/3.23
	6,512,845	*	1/2003	Haikin, et al	382/165
	6,556,312	*	4/2003	Nagatani	358/1.9
	2002/0065843	*	5/2002	Sharma, et al.	
	2003/0058459	*	3/2003	Wu, et al.	--

COLUMN 17

Line 14, "relates relating" should read --relating--.

MAILING ADDRESS OF SENDER:

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
(212) 218-2100 - Telephone
(212) 218-2200 - Facsimile

PATENT NO. 7,038,811

No. of add'l. copies @ 30¢ per page

OCT 25 2006

Form PTO 1050 (Rev. 3-82)
(Form#30)
CA_MAIN 122132 v1

OIPE IAP68 OCT 2 3 2006 PATENT & TRADEMARK OFFICE

cofe

03630.000263

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of:	Examiner: M. Nguyen
JOHN S. HAIKIN	Group Art Unit: 2626
Application No.: 09/538,947	
Filed: March 31, 2000	
For: STANDARDIZED DEVICE CHARACTERIZATION	
U.S. Patent No.: 7,038,811	
Issued: May 2, 2006	October 20, 2006

Certificate OCT 2 5 2006 of Correction

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

CERTIFICATE OF CORRECTION UNDER RULE 322

Sir:

It is respectfully requested that a Certificate of Correction be issued by the Patent and Trademark Office due to errors which appear in the printed patent as a result of Patent and Trademark Office mistakes. A Certificate of Correction form, in duplicate, is enclosed.

Patentee's undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should continue to be directed to our address given below.

Enter please

Respectfully submitted,

Michael K. O'Neill

Attorney for Patentee
Michael K. O'Neill
Registration No.: 32,622

FITZPATRICK, CELLA, HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112-3800
Facsimile: (212) 218-2200

CA_MAIN 122131v1

OCT 2 5 2006

Form #29

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

September 2, 2008

MICHAEL BEST & FRIEDRICH LLP
ONE SOUTH PINCKNEY STREET
SUITE 700
MADISON, WISCONSON 53703
ATTN.: SALLY J. SORENSEN

IN RE USP 6,410,282
PATENTEES: KUMAR, ET AL.
ISSUED: JUNE 06, 2002
FOR: METHOD FOR ENHANCING LEVELS OF POLYUNSATURATED FATTY ACIDS IN THRAUSTOCHYTRID FUNGI

The request for certification of deposit of AB22115 under 37 CFR 1.808(c), filed August 14, 2008, has been GRANTED.

Signed Form BP/12 is enclosed. It is the practice of this Office to return the signed Form BP/12 to the requestor for transmission to the international depository authority.

George C. Elliott
Director
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE, CA 92614

Mail Date: 07/02/2010

Applicant	: Samir Kumar Brahmachari	: DECISION ON REQUEST FOR
Patent Number	: 7657378	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 09/539,032	: OF WYETH
Filed	: 03/30/2000	:
		:

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

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MAILED
JUN 16 2004
DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

JONES DAY
222 EAST 41ST ST
NEW YORK NY 10017

In re Application of
Fred J. Federspiel et al.
Application No. 09/539,120
Filed: March 30, 2000
For: A SYSTEM AND METHOD FOR DISPLAYING MARKET INFORMATION

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on the petition to withdrawal the holding of abandonment filed on March 15, 2004.

The petition is **GRANTED** in view of the following evidence of timely filing :

☒ Postcard receipt being dated October 28, 2003.

☐ USPTO return facsimile receipt dated _____, which references the application by serial number and the amendment that was filed on that date.

☐ Certificate of Mailing/Transmission signed on _____. and supported by a statement under 37 C.F.R. 1.8(b)(3).

☐ Hand Delivery Receipt of the specific documents submitted dated _____.

☐ Certificate of Transmission of CPA under 37 C.F.R. 1.6 filed on _____.

☐ Express Mail Receipt under 37 C.F.R. 1.10 dated _____.

This application is being forwarded to the Supervisory Legal Instruments Examiner for entry of the response filed with the petition, then to the examiner for prompt action on the response.

KJD/mjz: 6/3/04

KENNETH J. DORNER
SPECIAL PROGRAMS EXAMINER
TECHNOLOGY CENTER 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

OCT 23 2000

Group 2700

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

Paper No. ~~6~~ 4

Rudolph J. Buchel, Jr.
Carstens Yee & Cahoon, LLP
P.O. Box 802334
Dallas, Texas 75380

In re Application of: Timothy F. McDonough	)	
Application No. 09/539,132	)	
Filed: March 30, 2000	)	
For: MECHANISM AND BUSINESS	)	DECISION ON PETITION
METHOD FOR IMPLEMENTING A	)	
SERVICE CONTRACT FUTURES	)	
EXCHANGE	)	

This is a decision on the petition, filed 18 July 2000, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

A grantable petition under 37 C.F.R. §1.102(c), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R.§1.117(i) and a statement under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed: and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. A fee under 37 C.F.R. for such a petition is required .

Applicant's submission meets all the criteria set out above, accordingly, the Petition is **GRANTED**. The application file is being forwarded to the Examiner of Record for expedited examination.

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

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JAN 0 8 2001

Technology Center 2100

Paper No. 6

Colin P. Cahoon
Carstens, Yee & Cahoon, L.L.P.
P.O. Box 802334
Dallas, TX 75380

In re Application of:	)	
McDonough	)	
Application No. 09/539,132	)	
Filed: Mar. 20, 2000	)	
For: Mechanism and Business Method for Implementing a Service Contract Futures Exchange	)	**DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY**

This is a decision on the petition filed Nov. 6, 2000 (Paper No. 5) requesting (1) to change the correspondence address, and (2) to withdraw as attorney.

A request to change the correspondence address may not be signed by an attorney or agent not of record. M.P.E.P. § 405. Here, the attorney signing the petition was of record at the time the petition was filed, so the request is **GRANTED**. Future correspondence will be directed to Rudy J. Buchel at the Dallas address provided in the petition.

A request to withdraw as attorney is effective on the date of the decision on the request and not on the date the request was filed. M.P.E.P. § 402.06. The attorney's request complies with the applicable requirements, so that request is **GRANTED** and is now effective. Note that Messrs. Carstens and Yee are still attorneys of record, because the Office does not recognize law firms and each attorney of record must sign the notice of withdrawal, or the notice of withdrawal must contain a clear indication of one attorney signing on behalf of another. *Id.*

A review of the Office file record indicates that applicant filed an appointment of attorney for Mr. Buchel and a change of address on July 24, 2000. The record shows no previous Office response to those papers. The appointment of attorney would have had no effect, because Mr. Buchel was already named an attorney of record in applicant's declaration. The change of address request is now moot due to the more recent change of address request (Paper No. 5).

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

Joseph L. Felber

Joseph L. Felber
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

cc: Rudy J. Buchel, Esq.
Jones, Day, Reavis & Pogue
P.O. Box 660623
Dallas, TX. 75266-0623

UNITED STATES PATENT AND TRADEMARK OFFICE

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
7th Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

MAILED

APR 04 2005

Technology Center 2100

In re Application of:
Wen WEN, et al
Application No. 09/539,167
Filed: March 29, 2000
For: METHOD AND SYSTEM FOR AUTOMATICALLY UPDATING SEARCH RESULTS ON AN ONLINE AUCTION SITE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed November 15, 2004.

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.

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

cc: Schwegman, Lundberg, Woessner & Kluth, P.A.
1600 TCF Tower
121 South Eighth Street
Minneapolis, MN 55402

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PERKINS COLE LLP/MSFT
P.O. BOX 1247
SEATTLE, WA 98111-1247

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JUN 2 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Nosakhare D. Omoigui	:	
Application No. 09/539,170	:	ON PETITION
Filed: March 29, 2000	:	
Attorney Docket No. MS1-339US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 1, 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 July 8, 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 October 9, 2004.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2611.

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
WASHINGTON, D.C. 20231
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Paper No. 7

MAIL

JUN 02 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

TOWNSEND AND TOWNSEND AND CREW, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

In re Application of: Roger K. Brooks, et al.	)	
Application No. 09/539,193	)	
Filed: March 30, 2000	)	**DECISION ON REQUEST FOR**
For: PERSONAL BROADCASTING	)	**WITHDRAWAL AS ATTORNEY**
SYSTEM FOR AUDIO AND VIDEO	)	
DATA USING A WIDE AREA	)	
NETWORK	)	

This is a decision on the Request To Withdraw from Representation filed May 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 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.

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

cc: Connie Wong, CEO
Vidiator Technology (US) Inc.
411 108th Ave NE - Suite 688
Bellevue, WA 98004

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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

Mail Date: 07/02/2010

Applicant	: Rick Rowe	: DECISION ON REQUEST FOR
Patent Number	: 6485366	: RECALCULATION of PATENT
Issue Date	: 11/26/2002	: TERM ADJUSTMENT IN VIEW
Application No	: 09/539,277	: OF WYETH
Filed	: 03/30/2000	:
		:

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

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Paper No. 23

MICHAEL H. BANIAK
BANIAK PINE & GANNON
150 N. WACKER DRIVE, SUITE 1200
CHICAGO, IL 60606

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NOV 05 2003

OFFICE OF PETITIONS

In re Application of
Scott Siomiany et al
Application No. 09/539,286
Filed: March 30, 2000
Attorney Docket No. 2100/3

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 3714.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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FORMFACTOR, INC.
LEGAL DEPARTMENT
7005 SOUTHFRONT ROAD
LIVERMORE CA 94551

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OFFICE OF PETITIONS

In re Application of	:	
Pederson et al.	:	
Application No. 09/539287	:	
Filing or 371(c) Date: 03/30/2000	:	
Attorney Docket Number:	:	
P48D1-US	:	ON PETITION

This is a decision on the "Petition to Withdraw Holding of Abandonment Based on Failure to Receive Office Action, filed May 4, 2007. The petition is properly treated under 37 CFR 1.181(a).

This Petition is hereby **dismissed**.

Any further petition 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 [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed July 11, 2003. The Office action set a three (3) month period for reply. No response having been received, the application became abandoned on October 12, 2003. A Notice of Abandonment was mailed February 12, 2004.

The present petition

Applicant files the present petition and asserts that this office mailed the Office action to an old correspondence address. Applicant avers that a Customer Number Update form and accompanying diskette were filed January 28, 2002. Applicant received a Notice of Customer Number Record Change from this Office mailed January 30, 2002.

Review of Application file

A review of the application file and of the petition reveals that the correspondence address for this application was changed on July 29, 2004, from 5666 LaRibera Street, Livermore, CA., to

2140 Research Drive, Livermore, CA. Thereafter, on October 26, 2006, the correspondence address was changed to the present address: 7005 Southfront Road, Livermore, CA.

A review of row 96 of the Customer Number Update form reveals that the filing date associated with this application appearing thereon is "3/30/1999". Office records reveal that the actual filing date of this application is 3/30/2000.

Applicable Law, Rules and MPEP

The MPEP 711.03(c)A, Petition To Withdraw Holding of Abandonment Based on Failure To Receive Office Action, provides

> 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.

MPEP 711.03(c)

Analysis

At the time of Applicant's filing of the Customer Number Update form, the filing date of the application was required. In this instance, the filing date provided on the form did not match Office records, and the data for this application was rejected.

Office records reveal that the Notices mailed July 31, 2006 were mailed to the correspondence address of record. Thereafter, Applicant changed his correspondence. The MPEP states that "[w]here an attorney or agent of record (or applicant, if he or she is prosecuting the application pro se) changes his or her correspondence address, he or she is responsible for promptly notifying the U.S. Patent and Trademark Office of the new correspondence address (including ZIP Code). See 37 CFR 11.11. The notification should also include his or her telephone number. MPEP 601.03. Accordingly, the petition to withdraw the holding of abandonment is dismissed.

Alternate venue

Applicant is 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 was "unavoidable." An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the required 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 revive under 37 CFR 1.137(b).

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

By mail: Director for Patents
PO 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 concerning this petition Decision should be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

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

FORMFACTOR, INC.
LEGAL DEPARTMENT
7005 SOUTHFRONT ROAD
LIVERMORE, CA 94551

COPY MAILED

MAR 0 4 2008

OFFICE OF PETITIONS

In re Application of	:	
David V. Pedersen, et. al.	:	
Application No. 09/539,287	:	ON PETITION
Filed: March 30, 2000	:	
Attorney Docket No. P48D1-US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 31, 2007, to revive the above-identified application.

The application became abandoned for failure to respond to the non-final Office action mailed July 11, 2003. A Notice of Abandonment was mailed on February 19, 2004.

This petition is accepted as being timely filed within two months from the date of the decision mailed July 11, 2007.

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing 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. Nevertheless, in accordance with 37 CFR 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 unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must so 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. However, in accordance with 37 CFR 1.34(a), the signature of N. Kenneth Burraston appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts. If petitioner desires to receive future

correspondence regarding this application, the 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 regarding this application file will be directed solely to the address of record until otherwise instructed.

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 $1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to Technology Center Art Unit 2827 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

cc: KEN BURRASTON
KIRTON & MCCONKIE
P.O. BOX 45120
SALT LAKE CITY, UT 84145-0120

UNITED STATES PATENT AND TRADEMARK OFFICE

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

N. KENNETH BURRASTON
KIRTON & MCCONKIE
P.O. BOX 45120
SALT LAKE CITY UT 84145-0120

MAILED

OCT 19 2009

OFFICE OF PETITIONS

In re Application of	:	
David V. Pedersen, et al.	:	
Application No. 09/539,287	:	DECISION GRANTING PETITION
Filed: May 30, 2000	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P48D1-US	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 16, 2009, 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 5, 2009 cannot be refunded. If, however, this 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 Terri Johnson at (571) 272-2991.

This application is being referred to Technology Center AU 2841 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Terri Johnson
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 Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No.	:	09/539,287	Conf. No.:	8250
Applicant	:	Pedersen et al.		
Filed	:	March 30, 2000		
TC/A.U.	:	2841		
Examiner	:	Jeremy C. Norris		
Docket No.	:	P48D1-US		

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

PETITION UNDER 37 C.F.R. § 1.313(c)TO WITHDRAW FROM ISSUE

To Whom It May Concern:

Applicants respectfully petition the Director under 37 C.F.R. § 1.313(c) that the above-identified patent application be withdrawn from issue to consider Applicants' Request For Continued Examination ("RCE") of the application (see 37 C.F.R. § 1.313(c)(2)) and Information Disclosure Statement ("IDS"). An RCE in compliance with 37 C.F.R. § 1.114 and an IDS is submitted herewith. The IDS cites the following Japanese patent documents that were first cited by the Japanese Patent Office in an action dated May 7, 2009: JP 07-240361, JP 63-012156, JP 01-260890, JP 03-088352, and JP 05-326357. The IDS also cites JP 63-062342 and JP 01-150862.

Applicants paid the issue fee in the above-identified patent application on January 5, 2009. References JP 07-240361, JP 63-012156, JP 01-260890, JP 03-088352, and JP 05-326357 were cited by the Japanese Patent Office in a corresponding Japanese patent application. These references were identified to Applicants in a communication dated May 21, 2009 from Japanese patent counsel. (A copy of the communication from Japanese patent counsel is attached as Exhibit A.) Applicants believe that references JP 07-240361, JP 63-012156, JP 01-260890, JP 03-088352, and JP 05-326357 cited in the IDS should be reviewed and considered by the Examiner in charge of the above-identified application before the application issues as a patent.

10/20/2009 LDIEP1 00000002 500843 09539287
01 FC:1464 130.00 DA

Applicants believe that allowing the Examiner to consider those references constitutes good and sufficient reason for withdrawing the application from issue.

For the reasons discussed above, Applicants respectfully request that the above-identified patent application be withdrawn from issue and prosecution reopened in accordance with the RCE submitted herewith to allow the Examiner to consider the .

Applicants authorize the Director to charge the petition fee of $130.00 as set forth in C.F.R. 17(h) to Deposit Account No. 50-0843 (order no. 12439-0270), and Applicants authorize the Director to charge an RCE fee of $810.00 to Deposit Account No. 50-0843 (order no. 12439-0270). In addition, Applicants authorize the Director to charge any additional fee or any deficiency in the fees provided for as needed for acceptance of this paper to Deposit Account No. 50-0843 (order no. 12439-0270).

Respectfully submitted,

Date: October 16 2009

By /N. Kenneth Burraston/
N. Kenneth Burraston
Reg. No. 39,923

Kirton & McConkie
P.O. Box 45120
Salt Lake City, Utah 84111-1004
Telephone: (801) 426-2106
Fax: (801) 321-4893

UNITED STATES 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

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APR 21 2005

OFFICE OF PETITIONS

SILICON EDGE LAW GROUP LLP
6601 KOLL CENTER PARKWAY, SUITE 245
PLEASANTON CA 94566

In re Application of
Bidyut Parruck et al.
Application No. 09/539,461
Filed: March 30, 2000
Attorney Docket No.: AZA-006
Title: ROUTERS FOR SWITCHING ATM CELLS IN A PACKET-LIKE MANNER USING A PACKET SWITCH

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

This is a decision on the petition under 1.137(a)[1], filed October 28, 2004, 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 January 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. Accordingly, the above-identified application became abandoned on April 6, 2004.

With the instant petition, Petitioner has 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(a)(1). It is noted that on June 5, 2000 and July 24, 2000, two changes of correspondence addresses were filed, and neither was effectuated by the Office[2]. As such, it has been established that the entire period of delay was unavoidable.

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1 A grantable petition pursuant to 37 CFR 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 § 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 § 1.20(d)) required pursuant to paragraph (d) of this section.

2 It is further noted that the non-final action of September 11, 2003 was mailed to the original address of record. It does not appear the Petitioner made note of the failure to effectuate the changes of address with his response to this non-final action received November 28, 2003.

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

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 with the present petition.

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

cc: Beyer, Weaver & Thomas
PO Box 778
Berkeley, CA 94704-0778

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 8

SKJERVEN MORRILL LLP
25 METRO DRIVE
SUITE 700
SAN JOSE CA 95110

MAIL

DEC 26 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application Serial No.:
09/539,468

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: MacPherson, Kwok, Chen and Heid LLP
2001 Gateway Place, Suite # 195
San Jose, CA 95110

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

FEB 26 2[illegible]

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY CA 94704-0778

In re Application of Sergey A. Selifonov et al Serial No.: 09/539,486 Filed: March 30, 2000 Attorney Docket No.: 0124.510US	WITHDRAWAL OF ABANDONMENT

This is in response to the renewed petition under 37 CFR 1.181, filed December 23, 2002, requesting withdrawal of the holding of abandonment of the above identified application.

A review of the file history was set forth in the previous petition decision. In that decision it was noted that applicants' previous attorney stated that the Office action mailed December 4, 2001, had not been received, however failed to provide the evidence required by M.P.E.P. 711.03(c) - copies of docket records where the missing Office action would have been entered, if received. Applicants' previous attorney has now provided the required evidence of non-receipt in the for of docket records and statements. In view thereof, it is concluded that the Office action was not received. Therefor the Notice of Abandonment mailed September 10, 2002, is withdrawn and the application is restored to pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for remailing of the last Office action.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

John Doll
Director, Technology Center 1600

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

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY CA 94704-0778

In re Application of :
Sergey A. Selifonov et al :
Serial No.: 09/539,486 : WITHDRAWAL OF ABANDONMENT
Filed: March 30, 2000 :
Attorney Docket No.: 0124.510US :

This is in response to the petition under 37 CFR 1.181, filed August 20, 2002, requesting withdrawal of the holding of abandonment of the above identified application.

A review of the file history shows that the examiner mailed a Final Office action to applicants' previous attorney of record on December 4, 2001, setting a three month shortened statutory period for reply. On September 10, 2002, the examiner mailed a Notice of Abandonment to applicants indicating no reply had been received. Applicants actually filed this petition prior to the date of mailing of the Notice of Abandonment in view of a telephone interview with the examiner in July. Applicants' previous attorney states that the Office action was not received, however fails to provide the evidence required by M.P.E.P. 711.03(c) - copies of docket records where the missing Office action would have been entered, if received. In view of the missing evidence the petition cannot be granted.

Applicants' petition is **DISMISSED.** Any renewed petition supplying the missing evidence 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 William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230

John Doll
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 4

TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

MAILED

JUN 12 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Brooks et al. :
Application No. 09/539,492 :
Filed: March 30, 2000 :
For: PERSONAL BROADCASTING AND :
VIEWING METHOD OF AUDIO AND VIDEO :
DATA USING A WIDE AREA NETWORK

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on May 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 request is **GRANTED.**

All attorneys of record are granted the request for withdrawal, since Customer No. 20,350 includes all attorneys of record.

All future communications from the Office will be directed to the address listed below until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office of any change in correspondence address to ensure receipt of all communications from the Office.

for Kenneth Wieder
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4710

cc: CONNIE WONG, CEO
VIDIATOR TECHNOLOGY (US) INC.
411 108TH AVE. NE – SUITE 688
BELLEVUE, WA 98004

UNITED STATES 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 D. CALDWELL
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD
7TH FLOOR
LOS ANGELES, CA 90025

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JAN 21 2005

OFFICE OF PETITIONS

In re Application of	:	
Albert Rudy Nelson	:	
Application No. 09/539,517	:	ON PETITION
Filed: March 30, 2000	:	
Attorney Docket No. 2207/8756	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 15, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file corrected drawings on or before July 2, 2003, as required by the Notice of Allowability mailed April 2, 2003. Accordingly, this application became abandoned on July 3, 2003. A Notice of Abandonment was mailed on May 7, 2004.

This application is being forwarded to Publishing Division for review of the drawings filed November 15, 2004.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
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

DEC 19 2005

MINTZ LEVIN COHN FERRIS GLOVSKY & POPEO
666 THIRD AVENUE
NEW YORK NY 10017

In re Application of	:	**DECISION ON PETITION**
Ion Leon Batchia et al.	:	**TO WITHDRAW THE**
Application No. 09/539,651	:	**HOLDING OF ABANDONMENT**
Filed: March 30, 2000	:	
For: NEGOTIATION USING INTELLIGENT AGENTS		

In response to the Status Inquiry Letter filed February 18, 2005, this is a decision on the Petition to Withdraw the Holding of Abandonment filed in the United States Patent and Trademark Office on September 11, 2003. There is no fee for this petition. The discrepancy and delay in responding to applicant's petitions is sincerely regretted.

The petition is **GRANTED** in view of the following evidence of timely filing:

☐ Postcard receipt being dated _____.

☐ USPTO return facsimile receipt dated _____.

☐ Certificate of Mailing/Transmission signed on _____, and supported by a statement under 37 C.F.R. 1.8(b)(3).

☐ Hand Delivery Receipt of the specific documents submitted, dated _____.

☐ Certificate of Transmission of CPA under 37 C.F.R. 1.6 filed on _____.

☐ Express Mail Receipt under 37 C.F.R. 1.10 dated _____.

☒ Originally sent response, timely received June 25, 2003.

This application is being forwarded to the Supervisory Legal Instruments Examiner for withdrawal of the abandonment and entry of the new power of attorney. The application will then be forwarded to the examiner for prompt action on the amendment filed under 37 C.F.R. 1.312.

RAR/rjc: 08/16/05

KENNETH J. DORNER
SPECIAL PROGRAMS EXAMINER
TECHNOLOGY CENTER 3600

UNITED STATES 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

HICKMAN PALERMO TRUONG & BECKER LLP
2055 GATEWAY PLACE, SUITE 550
SAN JOSE, CA 95110

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MAR 1 0 2005

OFFICE OF PETITIONS

In re Patent No. 6,642,939 :
Issue Date: November 4, 2003 :
Application No. 09/539,723 : ON PETITION
Filed: March 30, 2000 :
Attorney Docket No. 60097-0248 :

This is a decision on the petition, filed February 9, 2004, under 37 CFR 1.182 requesting issuance of a duplicate Letters Patent for the above-identified application. In view of the request that the duplicate Letters Patent should be issued with no charge, the petition is also being treated as a petition under 37 CFR 1.181.

The petitions are **dismissed**.

Petitioner states that the original Letters Patent mailed on November 4, 2003 was never received and has submitted a copy of a docket record in support thereof.

Initially, it is noted that, at the time of mailing of the original Letters Patent on November 4, 2003, the address of record was: Glenn Patent Group, 3475 Edison Way, Suite L, Menlo Park, CA 94025. A request to send correspondence to the above-noted address was not received until January 13, 2004, which is after the date of mailing of the original Letters Patent. Further, the written record fails to indicate any irregularity in the mailing of the original Letters Patent, and in the absence of any irregularity there is a strong presumption that the original Letters Patent was properly mailed to the applicant at the above-noted address of record at the time. This presumption may be overcome by a showing that the original Letters Patent was not in fact received at the address of record at the time. In this regard, the showing required to establish the failure to receive the original Letters Patent must consist of a statement from the attorney or agent of record at the Glenn Patent Group correspondence address, stating that the original Letters Patent was not received and attesting to the fact that a search of the file jacket and docket records for Glenn Patent Group indicates that the original Letters Patent was not received. A copy of the

docket record where the nonreceived original Letters Patent would have been entered had it been received must be attached to and referenced in the statement from counsel for Glenn Patent Group.

However, if petitioner cannot provide evidence of the nature required above or simply does not wish to, petitioner may elect to proceed under 37 CFR 1.182 (with fee which has been received), and provide a statement that Glenn Patent Group has checked its records and confirms that the original Letters Patent was not received.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 10/31/07

TO SPE OF : ART UNIT 2183

SUBJECT : Request for Certificate of Correction for Appl. No.: 9/539734 Patent No: 7149883 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**.

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: Do not amend title. while "to Selectively" is correct (instead of "Selectively to" as printed) the phrase "Validity of Invalidity" is incorrect (it should remain "Validity or Invalidity", as printed)

Also, do not amend column 15, line 64 because "indication" does not appear in that line

Eddie C 2183
SPE 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

PETER J. GORDON, PATENT COUNSEL
AVID TECHNOLOGY, INC.
ONE PARK WEST
TEWKSBURY, MA 01876

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OFFICE OF PETITIONS

In re Application of	:	
Peter A. Balkus et al	:	
Application No. 09/539,749	:	ON PETITION
Filed: March 31, 2000	:	
Attorney Docket No. A0521/7189	:	

This is a decision on the petition filed, October 19, 2006 under 37 CFR 1.137(b), 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 10, 2006, 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) were obtained. Accordingly, the above-identified application became abandoned on May 11, 2006.

The above-identified application is being revived solely for purposes of continuity with a Request For Continued Examination (RCE) filed on October 19, 2006.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matters is being referred to Technology Center AU 2178 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

OLIVER STRIMPEL, PATENT COUNSEL
AVID TECHNOLOGY, INC.
ONE PARK WEST
TEWKSBURY MA 01876

MAILED

APR 20 2010

OFFICE OF PETITIONS

In re Application of
Peter A. Balkus et al. :
Application No. 09/539,749 : ON PETITION
Filed: March 31, 2000 :
Attorney Docket Number: A0521/7189 :

This is a decision on the petition, filed February 25, 2010 under 37 CFR 1.137(b)[1], to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned February 19, 2010 for failure to timely pay the issue fee in response to the Notice of Allowance mailed November 18, 2009 which set a three month statutory period for response. The instant petition and this decision preceded the mailing of the Notice of Abandonment which was mailed on March 9, 2010.

All other requirements of 37 CFR 1.137(b) having now been met, this matter is being referred to the Publishing Division to be processed into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned Petitions Attorney at (571) 272-3212.

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

[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)).

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Alexandria, VA 22313-1450
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Paper No. 19

MILES & STOCKBRIDGE PC
1751 PINNACLE DRIVE
SUITE 500
MCLEAN, VA 22102-3833

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NOV 1 2 2004

OFFICE OF PETITIONS

In re Application of :
Allan Y. Tien :
Application No. 09/539,772 : ON PETITION
Filed: March 31, 2000 :
Attorney Docket No. G2622-908496 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 22, 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 submit formal drawings in a timely manner in reply to the Notice of Allowability mailed February 24, 2004, which set a shortened statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 25, 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 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.

A petition to revive cannot be granted where there is an outstanding requirement. In the instant case, petitioner submitted Figure 1 and Figure 2. However, the Notice of Draftsperson's Patent

Drawing Review (PTO-948) states that Figures 1A-3B, and 4-6B margins were unacceptable. 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

The Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address filed concurrently has been entered and made of record.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

Wan Laymon
Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Notice Regarding Change of Power of Attorney
Notice of Acceptance of Power of Attorney

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SUITE 500
MCLEAN, VA 22102-3833

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OFFICE OF PETITIONS

In re Application of :
Allan Y. Tien :
Application No. 09/539,772 : ON PETITION
Filed: March 31, 2000 :
Attorney Docket No. G2622-908496 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 6, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The drawings filed on January 6, 2005 have been approved by the Draftsperson. A copy of the Notice of Draftsperson's Patent Drawing Review (PTO-948) is attached.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to the Publishing Division.

Wan Laymon
Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: PTO-948

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BIRCH STEWART KOLASCH & BIRCH
P O BOX 747
FALLS CHURCH, VA 22040-0747

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DEC 0 1 2005

OFFICE OF PETITIONS

In re Application of :
Machiko Yokoyama et al :
Application No. 09/539,791 : DECISION GRANTING PETITION
Filed: March 31, 2000 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 445-281P :

This is a decision on the petition, filed November 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 March 15, 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) 272-3218.

This matter is being referred to Technology Center AU 1771 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

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[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) (along with any balance due at the time of payment), 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).*

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Paper No. 22

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OFFICE OF PETITIONS

ON PETITION

MCDERMOTT, WILL & EMERY
600 13TH STREET, N.W.
WASHINGTON, DC 20005-3096

In re Application of
Ooishi et al.
Application No. 09/539,892
Filed: March 31, 2000
Attorney Docket No. 49657-657

This is a decision on the renewed petition under 37 CFR 1.137(b), filed on June 20, 2002, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned on November 30, 2001 for failure to timely submit the issue fee as required by the August 29, 2001 Notice of Allowance and Issue Fee Due ("8/29/01 Notice"). The prior petition to revive, filed on March 22, 2002, was dismissed on June 7, 2002 for lacking the "required reply" to the 8/29/01 Notice in accordance with 37 CFR 1.137(b)(1), i.e., the issue fee.[1]

The instant renewed petition authorizes the Office to charge the $1,280 issue fee to Deposit Account No. 50-0417. The instant renewed petition is thus granted.

In addition, the "Preliminary Amendment and Request to Rescind the Remaining Period of Suspension," filed on February 19, 2002, is being treated as the "submission" required by 37 CFR 1.114 for the November 29, 2001 Request for Continued Examination (RCE).[2]

The file is being forwarded to Technology Center 2800 for further examination.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

COPY

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1 See Paper No. 20.

2 See *id.* Since RCE is merely a continued examination of the same application rather than a new application (such as a CPA), the issue fee paid with the instant renewed petition is applied toward the issue fee due when this application is ultimately allowed subsequent to this RCE.

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AND DIRECTOR F THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGT N, D.C. 20231
WWW.USPTO.GOV

OCT 3 2002

JOHN P WHITE
COOPER & DUNHAM LLP
1185 AVENUE OF THE AMERICAS
NEW YORK NY 10036

#11

In re Application of	:
William S. Blaner et al	:
Serial No.: 09/539,984	: PETITION DECISION
Filed: March 29, 2000	:
Attorney Docket No.: 0575/54544	:

This letter is in response to the petition under 37 CFR 1.181, filed February 20, 2002, seeking withdrawal of abandonment based on non-receipt of an Office action. The delay in acting on this petition is regretted.

A review of the file history shows that the Office mailed a first Office action (Notice to Comply with Sequence Rules) to applicant on February 23, 2001, setting a one month shortened statutory period for reply. Upon failure to receive a reply the application was abandoned by mailing of a Notice of Abandonment to applicants on December 19, 2001. Applicants state that the Office action of February 23, 2001, was never received and provide docket records which confirm non-receipt thereof. It is concluded that applicants never received the Office action. In view thereof, the Abandonment is conditionally withdrawn as of the mailing date of this decision and the application restored to pending status.

As applicants have obtained a copy of the Office action and provided a reply which includes a sequence listing. However, the disk accompanying the paper copy was unreadable (possibly due to mail irradiation), see attachment.

Applicants' petition is **GRANTED** subject to the following condition: Applicants must supply a substitute sequence disk and sequence listing within ONE MONTH from the date of mailing of this decision. It may be advisable to submit the disk by courier service (UPS, FedEx, etc.) in order to ensure that the disk is not damaged by Postal processing. Failure to comply will result in the application remaining abandoned.

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.

Bruce M. Kisliuk
Director, Technology Center 1600

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NOV 17 2004

ABELMAN FRAYNE & SCHWAB
150 EAST 42ND STREET
NEW YORK NY 10017

In re Application of	:
Gauri Saxena et al	:
Serial No.: 09/539,992	: PETITION DECISION
Filed: March 30, 2000	:
Attorney Docket No.: 204.482	:

This is in response to the petition under 37 CFR 1.181, filed March 6, 2003, for withdrawal of abandonment based on timely reply to an Office action. The delay in acting on this petition is regretted.

A review of the file history shows that the Office, on September 28, 2001, mailed a letter to applicants stating that the sequence listing must be provided in CRF format, and set a one month time period for reply. Applicants replied on October 25, 2001, providing a paper copy of the sequence and a CRF disk. Due to circumstances beyond the control of the Office at the time of submission, all Office directed mail was subjected to irradiation by the US Postal Service. This was not done at the behest of the Office. As a consequence disks containing sequence information were rendered unreadable by this process. In due course the Office mailed applicants a second request for a CRF disk on February 12, 2002, setting a one month time period for reply. Applicants replied on April 23, 2002, but failed to include an explicit request and fee for a two month extension of time. However, earlier papers submitted with the application authorized charging of certain fees to a Deposit Account, including an extension of time, for any paper submitted which required an extension of time. In processing the newly submitted CRF this authorization was overlooked. Upon processing the CRF disk, flaws were detected which caused an error report to be generated on May 7, 2002, and the disk not be accepted. A Notice of Abandonment was mailed to applicants on March 6, 2003. It is not known whether the error report was included with the Notice of Abandonment.

Applicants filed this petition on March 6, 2003, explaining the circumstances and reasons why the Notice of Abandonment should be withdrawn. The missing extension of time fee was again authorized. In view of the authorized extension of time fee the paper is considered timely submitted. Had the submission been considered timely at the time of filing the result of the generation of the Error Report would have been to notify applicants of the errors and allow a period of time for submission of a corrected CRF. Such is provided below. As a consequence the Notice of Abandonment is withdrawn and the application restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The fee for a TWO MONTH extension of time in effect on April 23, 2002, will be charged to applicants' Deposit Account No. 01-0035, as directed.

The petition fees submitted of $130.00 (3/13/03) and $1300.00 (3/04/03) are not required for this petition and will be credited to applicants' Deposit Account No. 01-0035, as directed.

In view of the Error Report (copy enclosed) applicants are given a ONE MONTH time period from the date of mailing of this decision to submit a corrected CRF. Extensions of time are governed by 37 CFR 1.136(a). Failure to submit the required CRF will result in the application being held abandoned.

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

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OPPENHEIMER WOLFF & DONNELLY, LLP (ACCENTURE)
PLAZA VII, SUITE 3300
45 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-1609

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SEP 27 2006

OFFICE OF PETITIONS

In re Application of	:	
Box	:	DECISION ON
Application No.: 09/540,095	:	
Filing Date: March 31, 2000	:	PETITION UNDER
Docket No.: AND1P051F	:	
For: Customizing An Electronic	:	37 CFR 1.137(b)
Interface To The Government	:	

This is a decision on Petition Under 37 CFR 1.137(b), filed on August 2, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a timely and proper reply to the final Office action mailed May 17, 2005, which set a shortened statutory period for reply of three (3) months. The application went abandoned at midnight on November 17, 2005. A Notice of Abandonment was mailed on February 27, 2006.

Petitioner has met the requirements for revival under §1.137(b). Petitioner submitted the required reply in the form of a Request for Continued Examination (and fee), paid the petition fee, and made the statement that "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional." This statement is being accepted in satisfaction of 37 CFR 1.137(b)(3). Since this utility application was filed after June 8, 1995, no terminal disclaimer is required. Accordingly, the petition is granted under §1.137(b).

This application is being referred to Technology Center 3625 for continued processing.

George Dombroske
PCT Legal Examiner
Office of PCT Legal Administration
on behalf of
Office of Petitions
Telephone: 571-272-3283
Facsimile: 571-273-0459

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MOSER PATTERSON & SHERIDAN, LLP
595 SHREWSBURY AVENUE, SUITE 100
SHREWSBURY, NJ 07702

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MAY 0 4 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Stephen R. Vogel et al :
Application No. 09/540,178 :
Filed: March 31, 2000 :
Attorney Docket No. DIVA-244

This is a decision on the petition, filed April 27, 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 March 30, 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 Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2611 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
Office of the Deputy Commissioner
for Patent Examination Policy

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[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).

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05252006

CROWELL & MORING, LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
Washington DC 20044-4300

JUN - 7 2006

In re Application of	:	
BITSCHE et al.	:	DECISION ON PETITION
Application No. 09/540,201	:	
Filed: March 31, 2000	:	
Attorney Docket No. 038738.48731US	:	

This is a decision on the petition under 37 C.F.R. § 1.181, filed June 15, 2005, to withdraw the holding of abandonment of the above-identified application.

The petition is **GRANTED**.

This application was held abandoned for failure to respond to the non-final Office action within the shortened statutory period of three months from the mailing date of March 11, 2003.

Petitioner states that he was informed on April 15, 2005 that the application was abandoned and that a Notice of Abandonment had been mailed December 5, 2003. Petitioner further states that the Notice of Abandonment was mailed to an incorrect address and that a change of correspondence address was filed on August 8, 2001. A copy of the change of correspondence address and the date-stamped postcard receipt is submitted as evidence of receipt in the U.S. Patent and Trademark Office.

Petitioner further states that he has no recollection of a message left by the examiner referred to in the Notice of Abandonment and this is evidenced by the subsequently filed status request letters. Status request letters were filed on December 30, 2003, June 29, 2004 and March 29, 2005.

A review of the written record indicates that the non-final Office action was returned by the United States Postal Service as undeliverable mail. The record also indicates that the Notice of Abandonment mailed December 5, 2003 was also returned by the United States Postal Service as undeliverable mail.

MPEP § 707.13 states the Office policy with regards to returned Office actions. Office actions are sometimes returned to the Office because the United States Postal Service has not been able to deliver them. The examiner should use every reasonable means to ascertain the correct address and forward the action again, after stamping it "remailed" with the date thereof and redirecting it if there is any reason to believe that the action would reach applicant at such new address. If the Office action was addressed to an attorney, a letter may be written to the inventor or assignee informing him or her of the returned action. The period running against the application begins with the date of remailing. *Ex parte Gourtoff*, 1924 C.D. 153, 329 O.G. 536 (Comm'r Pat. 1924).

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn. The failure of the examiner to ascertain the correct correspondence address and to remail the non-final Office action was insufficient to hold the application abandoned.

The change of correspondence address filed August 8, 2001 has been entered.

The application file is being forwarded to Technology Center 2800 support staff for remailing the non-final Office action. The shortened statutory period for response set therein will be reset to run from the date that the Office action is remailed. Extensions of time are available under 37 CFR § 1.136.

Questions regarding this decision should be directed to Jose' G. Dees at (571) 272-1569.

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No. 15

David Volejnicek, Esq.
Avaya Inc.
307 Middletown-Lincroft Road
Room 1N-391
Lincroft, NJ 07738

MAILED

SEP 1 5 2004

Technology Center 2100

In re Application of: Chaganty et al.
Application No. 09/540,238
Attorney Docket No. M-8403 US
Filed: April 1, 2000
For: FIREWALL POOLING

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181

This is a decision on the petition, filed on June 18, 2004 requesting the Withdrawal of the Holding of Abandonment of the above-identified application. This application was held abandoned for failure to respond to the final Office action mailed December 8, 2003 (Paper No. 11). A Notice of Abandonment was mailed on June 16, 2004 (Paper No. 13).

The practitioner has provided a statement that the Office action was not received and a copy of the Avaya docket record for the case to prove nonreceipt of the Office communications. A review of the application file shows the Office action was mailed December 8, 2003 (which appears to have been a remail of the action originally sent on November 12, 2003). There are two envelopes in the file jacket that indicate the final rejection was returned to the USPTO on two separate occasions. Also, a review of the address change submitted September 2, 2003 shows the Office inadvertently introduced errors in the address used for mailing of the action of December 8, 2003. There is no evidence the Office followed the procedures *en total* set forth in MPEP §707.13 regarding returned Office actions of using "every reasonable means to ascertain the correct address and forward the action again".

The petition is **GRANTED**. The holding of abandonment is withdrawn.

The application file will be forwarded to the Technology Center support staff. The final Office action will be remailed with the three-month shortened statutory period for reply restarted to run from the date of the remailing.

Josie A. Ballato
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 308-0269

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Paper No. 24

AUDLEY A. CIAMPORCERO JR. ESQ.
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK, NJ 08933-7003

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MAY 1 8 2004
OFFICE OF PETITIONS

In re Application of	:	
Vanderlaan et al.	:	
Application No. 09/540,343	:	ON PETITION
Filed: March 31, 2000	:	
Attorney Docket No. VTN0410	:	

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.**

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 April 2, 2003, 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 June 3, 2003. See MPEP 1215.04. A Notice of Abandonment was mailed on March 25, 2004.

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 1700 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

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

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OFFICE OF PETITIONS

In re Application of :
Mark Robins :
Application No. 09/540,391 :
Filed: March 31, 2000 :
Attorney Docket No. SIEB-045/00US

ON PETITION

This is a decision on the petition filed, April 7, 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 20, 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 Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3621 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

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[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).

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Paper No. 6

6/ Pet to Restart Granted

FEB 0 5 2002

3/5/02

Blank Rome Comisky & McCauley LLP
The Farragut Bldg., Suite 1000
900 17th Street NW
Washington, DC 20006

In re Application of	)	
TAMEZ-PENA et al.	)	
Application No. 09/540,524	)	DECISION ON PETITION TO
Filed: March 31, 2000	)	RESET PERIOD FOR REPLY
For: Magnetic Resonance Imaging with Resolution	)	
and Contrast Enhancement	)	

This is a decision on the petition filed on January 22, 2002, requesting that the shortened statutory period for reply set forth in the Office communication mailed on December 12, 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 15, 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. 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 December 12, 2001, is hereby reset to run FROM THE RECEIPT DATE OF January 15, 2002.

The application file is being forwarded to the Central Files of Technology Center 2800 to await a response to the Office communication. No fee is required for the petition.

For Clayton E. Laballe

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 6

SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER , CO 80202

MAILED

NOV 3 0 2000

Technology Center 2600

In re Application Serial No.:

09/540,657

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).

NOTE: The request to withdraw is only effective for Richard L. Hughes as there is no indication in the request that the signer is acting on behalf of the other attorneys/agents of record.

KENNETH A. WIEDER
SPECIAL PROGRAM EXAMINER
GROUP 2700

David E. Steuber
Skjerven, Morrill, MacPherson,
Franklin and Friel LLP
Suite 700
25 Metro Drive
San Jose, CA 95110

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 14

SKJERVEN MORRILL LLP
25 METRO DRIVE
SUITE 700
SAN JOSE CA 95110

MAILED

FEB 1 4 2003

Technology Center 2600

In re Application Serial No.:

09/540,657

ON REQUEST TO
WITHDRAW AS ATTORNEY

It is noted that a first petition filed October 31, 2002 has an improper Correspondence Address, therefore the first petition is dismissed in favor of the second petition filed December 24, 2002 which has been provided with the proper new Correspondence Address.

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: Alan MacPherson
MacPherson Kwok Chen & Heid LLP
2001 Gateway Place, Suite 195
San Jose, CA 95110

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 - 3 2002

#6

JAY F MOLDOVANYI
FAY SHARPE FAGAN MINNICH & MCKEE LLP
1100 SUPERIOR AVENUE 7TH FLOOR
CLEVELAND OH 44114-2518

In re Application of	:
Gavin Paul Vinson et al.	:
Serial No.: 09/540,816	: PETITION DECISION
Filed: March 31, 2000	:
Attorney Docket No.: BKY 2 0040-1-1	:

This is in response to applicants' petition under 37 CFR 1.181, filed February 21, 2002 (Certificate of mailing date February 15, 2002), to withdraw the abandonment of the above identified application based on timely filing of a reply.

A review of the file history shows that the examiner mailed an Office action to applicants on June 25, 2001, setting a one month shortened statutory period for reply. Applicants replied on July 24, 2001 (Certificate of mailing date). Upon failure to receive the reply a Notice of abandonment was mailed to applicants on January 29, 2002. Applicants provide an Office date stamped postcard indicating the reply was received by the Office on July 26, 2001. In view of the evidence, applicants are considered to have timely replied to the Office action. The Notice of Abandonment was mailed in error and is hereby withdrawn and the application restored to pending status with he mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration.

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.

Bruce M. Kisliuk
Director, Technology Center 1600

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OCT 2 6 2004

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

APPLICANT :Allen J. Klein) ART UNIT: 1772

SERIAL NO.: 09/540,941) EXAMINER: Ahmad Nasser

FILED : 03/31/2000)

1/11/05

Approved
Jacqueline M. Stone, Director
Technology Center 1700

THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS

Washington, DC 20231

NOTICE OF WITHDRAWAL/REQUEST FOR APPROVAL

Peter Loffler, undersigned attorney of record in the above-styled application requests permission to withdrawal as attorney of record and in support thereof says that:

1. Applicant has failed to pay for legal services that have been rendered and has failed to reimburse undersigned for costs advanced by undersigned on Applicant's behalf.

2. An appeal is currently pending before the Board of Patent Appeals and Interference. Applicant has filed his initial brief and there are no outstanding actions currently due from Applicant. Coincident with this Notice, undersigned is providing Applicant with instructions for responding to the Office Action with any necessary documents in undersigned's file having been already provided to Applicant.

WHEREFORE undersigned respectfully requests approval to withdraw from this case.

Respectfully submitted,

Peter Loffler
Registration no. 35,751
P.O. Box 1001
Niceville, Florida 32588-1001
(850) 729-1520

CERTIFICATE OF TRANSMISSION

I HEREBY CERTIFY that the foregoing was faxed to the Commissioner of Patents and Trademarks, Art Unit 1772, fax number (703) 872-9310, this 26th day of October, 2004.

Peter Loffler

cc: Applicant Allen J. Klein
3700 9th Avenue North
Apartment D37
St. Petersburg, FL 33713

PAGE 3/3 * RCVD AT 10/26/2004 4:50:58 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/4 * DNIS:8729310 * CSID:850 729 3504 * DURATION (mm-ss):01-14

MAILED

JUL 2 5 2002

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

UNITED STATES PATENT & TRADEMARK FFICE

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

Timothy N. Trop
Trop, Pruner & Hu, P.C.
8554 Katy Freeway, Suite 100
Houston, Texas 77024

Paper No. 8

In re Application of Stanley Mo et al.	:	
Application No. 09/540,968	:	PETITION TO INVOKE
Filed: March 31, 2000	:	SUPERVISORY AUTHORITY
For: MANAGING ON-LINE TRANSACTIONS	:	37C.F.R. 1.181

This is in response to applicant's Petition filed on June 26, 2002, to have the amendment filed on March 3, 2002 considered as a fully responsive amendment.

The petition is **DENIED**.

A review of the file history indicates that:

The examiner issued an Office action on February 28, 2002, which contained an objection to the drawings as failing to show all of the features set forth in the claims. The Office action also contained other rejections of the claims not currently at issue.

In response to this Office action the applicant submitted an amendment on March 28, 2002, which argued that all of the features identified by the examiner as not being shown in the drawings were in fact set forth in the drawings as originally filed.

The examiner followed this response with a letter on June 17, 2002 indicating that the March 28, 2002 response was not fully responsive since no proposed drawing changes were submitted.

The petitioner argues that all of the features identified by the examiner as not being found in the drawings are in fact illustrated. The first of these elements is a "server". Petitioner argues that in figure 1 both the "Online Transaction Service" (12) and the "Product Vendor Inventory Management System" (16) include servers. With regard to a memory coupled to the server, petitioner argues that storage 13 and 16 would also serve as memory for the "Online Transaction Service". With regard to the IMS software, petitioner argues that the drawing shows software 20 and 52 each being stored on storage 13 and 17 respectively. With regard to a processor based system,

petitioner argues that the block "Online Transaction Service" includes a server and a server is a type of a computer system which includes a processor. With regard to the Internet, petitioner argues that the network 14 in figure 1 may be the Internet. Finally, with regard to a dedicated inventory allocation, petitioner argues that the "Online Transaction Service" receives an allocation or inventory by a query made to the product vendor inventory management system 16.

Petitioner further argues that 37 C.F.R. 1.83(a) indicates that "conventional features disclosed in the description and claims where detailed illustration is not essential for a proper understanding of the invention, should be illustrated in the drawing in the form of graphical drawing symbol or labeled representation (e.g. a labeled rectangular box). As such the petitioner is requesting that the Amendment filed March 28, 2002 be considered fully responsive and be forwarded to the examiner for action.

A review of petitioner's arguments and the portion of the Office action dated February 28, 2002 indicates that the examiner was correct in making the indicated objection to the drawings. As noted by the petitioner 37 C.F.R. 1.83(a) only requires simple block diagram illustrations for well known conventional features, however, the features identified by the examiner have not been clearly identified in the discussed block diagram of figure 1. For example, the "Online Transaction Service" identified by element 12 does not necessarily have to be a server and as such the requirement by the examiner to illustrate this feature is reasonable. The correction could be as simple as including the term "server" inside the box. With respect to the remaining features in question, the same line of reasoning is considered to also apply, making the examiner's requirements reasonable for a full understanding of the invention. Further, the requirement for all of the claimed features to be illustrated is not only for the benefit of the examiner, but also to allow the public to quickly understand the components of an invention.

Accordingly, the petition to have the amendment filed March 28, 2002 considered as a fully responsive amendment is denied.

Petitioner has until the end of the time period set forth in the February 28, 2002 Office action as may be extended by obtaining extensions of time under 37 C.F.R. 1.136(a) to respond fully to the outstanding Office action by submitting the required proposed drawing changes or new formal drawings incorporating the required changes.

Summary: ***Petition Denied***

John J. Love, Director
Patent Technology Center 3600
(703) 308-1020
Facsimile No.: (703) 306-4597

RPO/snm: 7/18/02

SM

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No.

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

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DEC 0 2 2005

OFFICE OF PETITIONS

In re Application of	:	
Herbert et al.	:	DECISION ON PETITION
Application No. 09/541,108	:	
Filed: March 31, 2000	:	
Attorney Docket No. 042390.P8100	:	

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY ..."[1] filed November 1, 2005.

The petition under § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee within the three-month statutory period for reply set in the Notice of Allowance mailed May 31, 2005. No extensions of time are permitted for transmitting issue fees. Accordingly, the above-identified application became abandoned on August 31, 2005. The filing of the instant petition precedes the mailing of a courtesy Notice of Abandonment.

On instant petition, petitioner included the petition fee and the required reply in the form of payment of the issue fee[2]. 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. As this utility application was filed after June 8, 1995, no terminal disclaimer

---

[1] Practitioner is reminded that if any part of the preprinted text of a PTO form is modified, deleted or added to, the form number and the OMB information in the header and footer of the form MUST be removed from the altered form. It appears in this instance that practitioner has altered PTO/SB/64 without such removal.

[2] There was no distinct and concurrent requirement for new drawings.

is required. Petitioner has met the requirements for revival under § 1.137(b).

The Publishing Division has been advised of this decision. The application file has thereby been forwarded to the Publishing Division for processing into a patent.

Telephone inquiries related to 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

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.

OBLON, SPIVAK, MCCLELLAND, MAIER &
NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

COPY MAILED

FEB 21 2003

OFFICE OF PETITIONS

In re Application of
Raghubir P. Gupta et al
Application No. 09/541,204
Filed: April 3, 2000
Attorney Docket No. 1037-28

ON PETITION

This is a decision on the petition, filed February 14, 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 6, 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]

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 1754 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

---

[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
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Paper No. 26

OBLON, SPIVAK, MCCLELLAND, MAIER &
NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

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FEB 26 2003

OFFICE OF PETITIONS

In re Application of
Albert A. Vierheilig et al
Application No. 09/541,204
Filed: April 3, 2000
Attorney Docket No. 1037-28

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed December 6, 2002, to change the order of the names of the inventors.

The petition is **granted**.

A corrected Filing Receipt with the desired Order of Inventorship accompanies this decision on petition.

Telephone inquiries should be directed to the undesigned at (703) 305-8859.

This application is being forwarded to Technology Center Art Unit 1754.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Assistant Commissioner
for Patent Examination Policy

ATTACHMENT: CORRECTED FILING RECEIPT

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

COPY MAILED

OCT 10 1996

OFFICE OF PETITIONS
A/C PATENTS

LUCENT TECHNOLOGIES INC.
DOCKET ADMINISTRATOR
600 MOUNTAIN AVENUE (ROOM 3C-512)
POST OFFICE BOX 636
MURRAY HILL, NEW JERSEY 07974-0636

Re: Decision on Petition of Assignee to be Designated as Having Authority to Assume Prosecution of Assigned Applications and to Appoint Legal Representative

This is a decision on the petition received October 8, 1996, requesting that Lucent Technologies Inc. be recognized as assignee of record for the applications identified on the attached Appendix A.

The petition is GRANTED.

Petitioner states that, pursuant to an agreement dated March 29, 1996, the U.S. patent applications identified in Appendix A attached to the petition have been assigned by AT&T Corp. (and the related companies shown in Appendix B) to Lucent Technologies Inc. Petitioner, in Appendix C, provides a showing of the chain of title (ultimately leading to ownership by Lucent Technologies Inc.), between and among the listed entities of Appendix B, together with supporting documentation, showing the relevant transactions such as i) bulk transfer of title between entities, ii) corporate name changes, and iii) corporate dissolutions.

Accordingly, petitioner requests that, based on the showing provided, Lucent Technologies Inc. be recognized as having the power to prosecute and/or inspect all the applications identified on Appendix A and as having the power to appoint legal representatives to act on its behalf in prosecuting those applications presently pending.

The showing provided is sufficient to grant petitioner the relief requested. Accordingly, pursuant to the provisions of 37 CFR 3.71, Lucent Technologies Inc. is recognized as assignee of the entire right, title and interest in each application identified on Appendix A and entitled to prosecute and appoint legal representatives on its behalf.

OCT 15 1996

In view of the above, the Office will recognize, pursuant to 37 CFR 3.71, Lucent Technologies Inc. as assignee of record entitled to prosecute each application identified on Appendix A if a copy of this decision and a power of attorney from Lucent Technologies Inc. are filed in each application identified on Appendix A. The power of attorney must state that this decision recognized Lucent Technologies Inc. as the assignee of record for the application in which the power of attorney is being submitted.

The instant petition will be retained in the Office of Petitions.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-9282.

Jeffrey V. Nase
Patent Legal Administrator
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
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12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

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NOV 29 2007

OFFICE OF PETITIONS

In re Application of	:
Erik C. Cota-Robles et al	:
Application No. 09/541,444	: DECISION GRANTING PETITION
Filed: March 31, 2000	: UNDER 37 CFR 1.137(b)
Attorney Docket No. 042390.P7920	:

This is a decision on the petition under 37 CFR 1.137(b), filed May 23, 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 reply to the Notice To File Corrected Application Papers of February 16, 2007, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Patent Publication.

Karen Creasy

Karen Creasy
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. 14

STEPHEN A. WRIGHT
ONE WORLD TRADE CENTER
121 S. W. SALMON STREET
SUITE 1600
PORTLAND OR 97204

MAIL

FEB 26 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Chatterjee et al. :
Application No. 09/541,458 :DECISION ON PETITION TO
Filed: March 31, 2000 :WITHDRAW HOLDING OF
For: **DISPLAY OF IMAGES WITH** :ABANDONMENT
TRANSPARENT PIXELS :

This is a decision on the petition filed September 22, 2003, based on M.P.E.P. 711.03(c)(II), and pursuant to 37 C.F.R. § 1.181(a), to withdraw the holding of abandonment. No fee is required.

This application became abandoned for failure to timely respond to the Non-Final Office Action mailed January 16, 2003. A Notice of Abandonment was mailed September 9, 2003.

Petitioner alleges that the Non-Final Office Action mailed January 16, 2003 was not received.

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 records indicate that the Non-Final Office Action was properly mailed to the practitioner of record at the correspondence address at the time of mailing. Thus, there was no

irregularity in mailing of the Non-Final Office Action on the part of the U.S. Patent and Trademark Office.

The allegation of non-receipt is supported by a statement by the petitioner attesting that the Office Action was not received at the correspondence address of record, and that a search of the contents of the file jacket and docket records reveal no evidence of receipt. Copies of the docket records have also been included to corroborate petitioner's claim.

The showing offered complies with the requirements of a successful petition to withdraw the holding of abandonment due to non-receipt of the Non-Final Office Action as set forth above. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

Accordingly, the petition is **GRANTED.**

Due to the time lapse from the previous Office action and this decision, the file will be forwarded to the examiner for updating the search and the Office action as appropriate. The time period for response will be set to run from the mailing date of the new action.

Joseph J. Rolla, Jr., Director
Technology Center 2600
Communications

MAILED

NOV 05 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

Mark C. Jacobs, Esq.
3033 El Camino Avenue
Sacramento, CA 95821

In re Application of	:	
Phillip Apple	:	DECISION ON PETITION
Application No. 09/541,647	:	TO WITHDRAW THE
Filed: April 3, 2000	:	HOLDING OF ABANDONMENT
For: CLOSEABLE THATCHED UNBRELLA		

This is in reply to applicant's petition to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office on October 1, 2002 and supplemented on October 16, 2002. There is no fee for this petition.

The petition is **GRANTED**.

A review of the file record indicates that an Office action was mailed on March 13, 2002 wherein a three-month shortened statutory period for response was set. Since no response has been matched with the file, the application is technically abandoned, although no Notice of Abandonment has been mailed.

Applicant's petition includes a copy of an amendment bearing a Certificate of Mailing date of June 11, 2002 signed by Mark Jacobs. The petition includes a statement by Mark Jacobs attesting to the personal knowledge of mailing the response on June 11, 2002. This is acceptable evidence that a timely response was filed.

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 to the Supervisory Legal Instruments Examiner for entry of the response and then to the Primary Examiner for prompt action on the merits of the claims.

Telephone inquiries relative to this decision should be directed to Special Programs Examiner Kenneth J. Dorner at (703) 308-0866.

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

Kjd: 10/18/02

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. 13

JOHN M. PAOLINO
BAYER CORPORATION
511 BENEDICT AVENUE
TARRYTOWN, NY 10591

COPY MAILED

DEC 0 9 2003

OFFICE OF PETITIONS

In re Application of
Adolfsen et al.
Application No. 09/541,663
Filed: April 3, 2000
Attorney Docket No. MST-1980.3

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 3, 2003, to revive 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 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.

This application became abandoned for failure to timely reply to the final Office action mailed March 14, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on June 15, 2003. A Notice of Abandonment was mailed September 29, 2003.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

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.[2]

---

[1] 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] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (1). The Amendment submitted to the Examiner on November 3, 2003 failed to place the above-identified application in condition for allowance. A proper reply to a final rejection under 37 CFR 1.113 may be: (1) an amendment which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee); or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. Petitioner must submit one of the above documents in order to revive the above-identified application. Enclosed in a copy of the advisory action issued by the examiner.

As authorized by the petitioner, a total of $1330.00 will be charged to deposit account 13-3370 for the petition fee.

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

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the existing Customer Window located at:

2011 South Clark Place
Crystal Plaza 1 Lobby
Room 1B03
Arlington, VA 22202

The centralized facsimile number is **(703) 872-9306.**

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

Enclosure: Advisory Action

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 16

JOHN M. PAOLINO
BAYER CORPORATION
511 BENEDICT AVENUE
TARRYTOWN, NY 10591

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FEB 0 5 2004

OFFICE OF PETITIONS

In re Application of
Adolfsen et al.
Application No. 09/541,663
Filed: April 3, 2000
Attorney Docket No. MST-1980.2

ON PETITION

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed January 21, 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 final Office action mailed March 14, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on June 15, 2003. A Notice of Abandonment was mailed on September 29, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

A renewed petition under 37 CFR 1.137(b) does not require a second payment of the petition fee. Accordingly, the $1330.00 petition fee submitted with the instant petition will be credited to petitioner's deposit account as authorized.

The file is now being forwarded to Technology Center 1700 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

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Paper No. None

LERNER AND GREENBERG, PA
P O BOX 2480
HOLLYWOOD FL 33022-2480

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AUG 2 3 2005

OFFICE OF PETITIONS

In re Application of
Karl Wadt
Application No. 09/541,722
Patent No.: 6,857,121
Filing Date: April 3, 2000
Issue Date: February 15, 2005
Attorney Docket No. : GR 97 P 3757
Title: RESPONSIVE SYSTEM FOR DIGITAL SIGNAL PROCESSING AND METHOD FOR OPERATION OF A RESPONSIVE SYSTEM

DECISION ON PETITION
UNDER 37 C.F.R. §1.55(A)(2)

This is a decision on the petition under 37 CFR 1.55(a)(2), filed January 25, 2005, for entry of priority papers submitted after the date the issue fee was paid.

The petition is **granted**.

Receipt is acknowledged of papers submitted under 35 U.S.C. § 119.

The priority papers are accepted as timely filed and have been placed of record in the file. Since the reference to the foreign priority claim did not appear on the printed patent, Petitioner may request a certificate of correction pursuant to the provisions of 37 C.F.R. §1.323 and pay the $100 fee therefor.

Any questions concerning this decision on petition should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Frances Hicks
Petitions Examiner
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 28 2004

Director's Office
Group 3700

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

Paper No. 14

In re Application of
Hisatoshi Hirota
Application No. 09/541,779
Filed: April 3, 2000
For: Capacity Controller of Capacity Variable Compressor

: DECISION ON PETITION

This is a decision on the petition as embodied in the paper styled "Supplemental Information for Petition to Withdraw Holding of Abandonment", filed by facsimile transmission on September 24, 2004. It appears that a petition to withdraw a holding of abandonment for failure to reply to the Office letter dated May 9, 2001 was previously filed on March 11, 2002 by facsimile transmission, but is not in the record. The petition is being considered under 37 CFR 1.181, and no fee is required.

The petition is dismissed.

Petitioner alleges that this application is not abandoned because petitioner did not receive a complete Office action dated May 9, 2001, but instead received only a PTO-90C cover sheet, a PTO-413 form comprising two pages, which recorded an interview with the examiner, and a Notice of Draftsperson's Patent Drawing Review.

It is not clear from the petition whether the March 11, 2002 filing was filed by Mr. James E. Nilles, who was formerly the attorney of record, or whether it was filed by current counsel. However, it appears from the September 24, 2004 that the docket records for this file no longer exist, and that an "Office Action or Examiner's Letter" were in fact received. However, the file jacket and computer word processing files have been reviewed by current counsel and appear to indicate that no Response to an Office Action was ever prepared or attempted. Handwritten notes left by Mr. Nilles dated February 22, 2002 state the he had only received an interview summary and never received the action.

A review of the record shows that an interview summary form was attached to the Office letter in question. That summary indicates that in view of the interview, a preliminary amendment would be filed. There is a preliminary amendment of record dated April 30, 2001 but the May 9, 2001 Office letter does not acknowledge receipt thereof.

Petitioner is not, in effect, alleging nonreceipt of Office correspondence. Rather, petitioner is alleging receipt of incomplete Office correspondence, and that petitioner, through counsel at the time of the receipt of incomplete Office correspondence, had no reason to believe that what was mailed to petitioner on May 9, 2001 was an Office action at all, as opposed to being simply an interview summary form and a requirement regarding objections to the drawings. However, this allegation is not supported by any evidence supplied directly by former counsel, Mr. Nilles. Rather, this allegation, on the current record, amounts to no more than speculation based upon a handwritten note dated more than nine months after receipt of the May 9, 2001 papers. There is no explanation of what steps, if any, were taken on behalf of petitioner with respect to the practice set forth in MPEP § 710.06, and why no steps appear to have been taken. It is noted that the practice set forth in MPEP § 710.06 clearly indicates that if there is an error in an Office action and the error is not called to the attention of the Office until after expiration of the reply

period, the period will not be restarted. Absent more information regarding the matter, there does not appear to be a basis for withdrawing the holding of abandonment at this time.

Petitioner may file a renewed petition, without fee. The renewed petition should be directed to Technology Center 3700 at the address in the letterhead above. The renewed petition must be filed within two months of the date of this decision, or it will not received consideration on the merits. See 37 CFR 1.181(f). The renewed petition should the matters discussed above. As a courtesy, a complete copy of the Office letter dated May 9, 2001 is attached to this Decision

PETITION DISMISSED.

Richard A. Bertsch

Richard A. Bertsch, Director
Technology Center 3700

Enclosure

Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100

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JJGJR.: 02-05

Paper No: 17

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OFFICE OF PETITIONS

PATTERSON, THUENTE,
SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS MN 55402-2100

In re Application of :
Hirota :
Application No. 09/541,779 :
Filing Date: 3 April, 2000 :
Attorney Docket No.133.046 :

This is a decision on the petition filed on 29 December, 2004, 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 non-final Office action mailed on 9 May, 2001, with response due absent extension of time on or before 9 August, 2001;
- the application went abandoned after midnight 9 August, 2001;
- the Office mailed the Notice of Abandonment on 25 February, 2003;

- on 29 December, 2004, Petitioner filed the instant petition and fee, the reply in the form of an amendment, and made a 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).[1]

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.[2]

Delays in responding properly raise the question whether delays are unavoidable.[3] 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).[4] And the Petitioner must be diligent in attending to the matter.[5] 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.[6]))

The requirements for a grantable petition under 37 C.F.R. §1.137(b) are the petition and fee, a

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[1] 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.

[2] 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.

[3] 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).

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

[5] 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.

[6] 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.

showing of unintentional delay, a proper reply, and–where appropriate--a terminal disclaimer and fee.

Petitioner has satisfied the requirements of the regulation.

Given the period for which the instant application was abandoned, the record (including the petition filed on 29 December, 2004) does not necessitate a finding that the delay between midnight 9 August, 2001, and 29 December, 2004, was not unintentional.

Rather, the Patent and Trademark Office is relying in this matter on duty of candor and good faith of Petitioner/Counsel James H. Patterson (Reg. No. 30,673) when accepting Petitioner's representation that the delay in filing the response was unintentional.[7]

CONCLUSION

The instant petition under 37 C.F.R. §1.137(b) hereby is **granted**.

The instant application is released to Technology Center 3700 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

[7] 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

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Paper No. 18

APR 2 2003

FAY, SHARPE, FAGAN, MINNICH & MCKEE
1100 Superior Avenue, Suite 700
Cleveland OH 44114-2518

In re Application of	)	
SUZUKI et al.	)	
Application No. 09/541,825	)	DECISION ON PETITION
Filed: April 3, 2000	)	
For: ACTUATOR	)	

This is a decision on the petition filed on April 2, 2002, to reset the period for reply to an Office action.

The petition is **DENIED**.

Petitioner states that, in response to a final Office action mailed August 7, 2001, an "After Second Final Response" was mailed on December 7, 2001, along with request for a one (1) month extension of time. Petitioner states that a Notice of Appeal was filed on February 7, 2002, along with a request for a three (3) month extension of time, since petitioner could not determine whether the previously submitted response had been received and/or approved by the Patent and Trademark Office (PTO). Petitioner requests that the statutory period for reply be restarted and that the fees paid for the three month extension of time and for the Notice of Appeal be refunded.

An inspection of the application file indicates that the reply mailed by applicant on December 7, 2001, was received at the PTO on February 4, 2002. Since the reply bore a certificate of mailing dated December 7, 2001, it was necessary for applicant to obtain a one month extension of the period for reply to the August 7, 2001 Office action, in order that the reply be timely filed. The reply, however, failed to place the application in condition for allowance for the reasons indicated in the Advisory Action mailed on March 6, 2002. Accordingly, the period for reply continued to run, and it was necessary for applicant to obtain a three month extension of the period for reply, in order for the Notice of Appeal filed on February 7, 2002 to be timely filed. Consequently, both the fee paid for a three month extension of time and the fee paid for a Notice of Appeal were necessary to prevent abandonment of the application, and neither fee was paid by mistake or in excess of that required. Accordingly, petitioner's request for refund of the fees paid for a three month extension of time and for a Notice of Appeal is denied.

Petitioner requests that the statutory period for reply to the August 7, 2001 Office action be restarted. While the apparent delay in receipt of the reply to the August 7, 2001 Office action is regretted, the provisions of MPEP 710.06 do not apply for restarting the period for reply set in an Office action due to the delayed receipt of a reply to that action. Rather, it is incumbent upon the applicant to file a proper reply to the Office action within the period set for reply. Having failed to file a proper reply, the applicant cannot rely upon a delay in receipt of an improper reply to restart the time allotted for filing a proper reply. Since petitioner has received a copy of the August 7, 2001 Office action, and there is no alleged defect in the Office action itself which would preclude a proper and timely reply, the request to restart the period for reply to the Office action is denied.

An inspection of the application file indicates that a request for continued examination (RCE) was filed on April 2, 2002. Accordingly, the application file is being forwarded to the technical support staff for Technology Center 2800 for processing of the RCE.

Any questions regarding this decision should be directed to Edward Glick at (703) 308-4858.

Richard K. Seidel, Director
Technology Center 2800 - Semiconductors, Electrical
and Optical Systems and Components

RS/EG/jc

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Paper No. 9

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Legal Staff

MARGARET A DOBROWISTSKY
DELPHI TECHNOLOGIES INC
P O BOX 5052
MAIL CODE 480-414-420
TROY MI 48007-5052

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APR 1 6 2004
OFFICE OF PETITIONS

In re Application of
Dane E. Carter
Application No. 09/541,849
Filed: April 3, 2000
Attorney Docket No. DP-300512

DECISION ON PETITION

This is a decision on the renewed petition to revive the above identified application under 37 CFR 1.137(b), filed March 3, 2004.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed July 20, 2001. This Notice set a statutory period for reply of three months for issue fee transmittal. No extensions of time under 37 CFR 1.136(a) were available. No issue fee having been received, the above-identified application became abandoned on October 21, 2001. A Notice of Abandonment was mailed on March 21, 2002. Applicant filed a petition to revive under 37 CFR 1.137(b) on April 22, 2002. However, this petition was dismissed in a decision mailed on February 26, 2004.

With the instant petition, petitioner submitted the required reply in the form of the issue fee. The petition fee and the required statement of unintentional delay were previously submitted with the petition on April 22, 2002.

The issue fee of $1,330 has been charged to Deposit Account No. 50-0831, as authorized.

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 6

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Legal Staff

MARGARET A DOBROWISTSKY
DELPHI TECHNOLOGIES INC
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TROY MI 48007-5052

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APR 14 2004
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FEB 26 2004
OFFICE OF PETITIONS

In re Application of
Dane E. Carter
Application No. 09/541,849
Filed: April 3, 2000
Attorney Docket No. DP-300512

DECISION ON PETITION

This is a decision on the petition to revive the above-identified application under 37 CFR 1.137(b), filed August 22, 2002 (Certificate of Mailing dated April 12, 2002). The Office apologizes for the delay.

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 pay the issue fee in response to the Notice of Allowance mailed July 20, 2001. This Notice set a statutory period for reply of three months for issue fee transmittal. No extensions of time under 37 CFR 1.136(a) were available. No issue fee having been received, the above-identified application became abandoned on October 21, 2001. A Notice of Abandonment was mailed on March 21, 2002.

Application No. 09/541,849

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 issue fee.

A copy of the Notice of Allowance is enclosed for petitioner's convenience. Also enclosed is a blank copy of form PTOL-85B, issue fee transmittal form.

Petitioner is advised that the current issue fee is $1,330.

Further correspondence concerning this application 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 decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Notice of Allowance and Notice of Allowability mailed July 20, 2001 (6 pages)
PTOL-85B (1 page)

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 9

MARGARET A DOBROWISTSKY
DELPHI TECHNOLOGIES INC
P O BOX 5052
MAIL CODE 480-414-420
TROY MI 48007-5052

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APR 1 6 2004

OFFICE OF PETITIONS

In re Application of
Dane E. Carter
Application No. 09/541,849
Filed: April 3, 2000
Attorney Docket No. DP-300512

DECISION ON PETITION

This is a decision on the renewed petition to revive the above identified application under 37 CFR 1.137(b), filed March 3, 2004.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee in response to the Notice of Allowance mailed July 20, 2001. This Notice set a statutory period for reply of three months for issue fee transmittal. No extensions of time under 37 CFR 1.136(a) were available. No issue fee having been received, the above-identified application became abandoned on October 21, 2001. A Notice of Abandonment was mailed on March 21, 2002. Applicant filed a petition to revive under 37 CFR 1.137(b) on April 22, 2002., However, this petition was dismissed in a decision mailed on February 26, 2004.

With the instant petition, petitioner submitted the required reply in the form of the issue fee. The petition fee and the required statement of unintentional delay were previously submitted with the petition on April 22, 2002.

The issue fee of $1,330 has been charged to Deposit Account No. 50-0831, as authorized.

The application file is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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Sony Corporation of America
16530 VIA ESPRILLO, MZ 7190
SAN DIEGO, CA 92127

Mail Date: 04/23/2010

Applicant	: Satoru Yukie	: DECISION ON REQUEST FOR
Patent Number	: 7644018	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 09/542,139	: OF WYETH
Filed	: 04/04/2000	:
		:

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

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Paper No. 6

SAWYER LAW GROUP LLP
P. O. BOX 51418
PALO ALTO, CA 94303

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Hung-Mao Lin, et al. :
Application No. 09/542,174 :
Filed: April 4, 2000 :
Attorney Docket No. 1532P :

This is a decision on the petition under 37 CFR 1.137(b), filed December 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 non-final Office action mailed October 23, 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 application became abandoned on January 24, 2003.

The statement claiming large entity status in accordance with 37 CFR 1.27 embodied in the petition under 37 CFR 1.137(b) has been made of record and large entity status has been accorded.

The application file is being forwarded to Technology Center 2100, Art Unit 2133 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

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
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Paper No. 7

JEFFREY T KLAYMAN
BROMBERG & SUNSTEIN LLP
125 SUMMER STREET
BOSTON MA 02110

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FEB 5 2002

OFFICE OF PETITIONS

In re Application of
Purkovic, et al.
Application No. 09/542,222
Filed: April 4, 2000
Attorney Docket No. 2204/A32

DECISION ON PETITION

This is a decision on the petition filed on January 17, 2002 (Certificate of Mailing dated November 5, 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 reply to the Notice to File Missing Parts of Nonprovisional Application (hereinafter "Notice"), mailed June 6, 2000. This Notice set a period for reply of two (2) months from the mail date of the Notice to file the filing fees and to submit an executed oath or declaration (and the $130 surcharge for its late filing). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 7, 2000. A Notice of Abandonment was mailed on October 25, 2001.

With the instant petition, petitioner filed the missing filing fee ($740 statutory filing fee and $84 additional claims fee), submitted an executed oath or declaration (including the $130 surcharge for its late filing), and met all other requirements for a grantable petition under 37 CFR 1.137(b).

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries related to 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

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P O Box 956
El Segundo CA 90245-0956

In re Application of Arthur W. Wang Application No. 09/542,243 Filed: April 03, 2000 For: SATELLITE READY BUILDING AND METHOD FOR FORMING THE SAME	DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on applicant's petition to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office (USPTO), on May 26, 2005.

The petition is **DISMISSED.**

A review of the file record reveals that the application became abandoned for failure to respond to the Office action mailed to applicant on October 14, 2004. A Notice of Abandonment was mailed on May 16, 2005.

There is a strong presumption that Office communications properly addressed and delivered to the United States Postal Services, are in fact delivered to the addressee. An allegation that the Office communication was not received must be overcome by a showing that it was not received.

The showing required to establish non-receipt of an Office communication must include all of the following requirements:

(1) A statement from the practitioner stating the Office communication was not received by the practitioner;

(2) 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

(3) 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 docket records indicated above must include **a copy of the list of all responses in the practitioner's office with the due date at and around January 14, 2005**. See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 OG 53 (November 16, 1993).

Applicant's petition indicates that after careful review of the file and docket records the October 14, 2004 Office action was never received. In support thereof applicant has provided a copy of "the docket record". The evidence provided is not considered a docket record but rather a log of incoming U.S.P.T.O. mail.

The petitioner has failed to comply with requirement (3) indicated above. Applicant has only set forth that the Office action mailed October 14, 2004 was not received or placed in the file for application 09/542,243. A complete docket record with a copy of the list of all responses in the practitioner's office with the **due date at and around January 14, 2005 is required**.

Petitioner's evidence of non-receipt of the Office action mailed October 14, 2004 is insufficient to withdraw the holding of abandonment, and 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 1.181."

Correspondence with respect to a Petition to Withdraw the Holding of Abandonment under *Delgar Inc. v. Schuyler* should be mailed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

for

Randolph A. Reese
Special Program Examiner
Patent Technology Center 3600
(571) 272-6619

RAR/rjc 08/25/05

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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El Segundo CA 90245-0956

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OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Wang	:
Application No. 09/542,243	:
Filed: April 3, 2000	:
Attorney Docket No. PD-990212	:

This is a decision on the " Renewed Petition Under 37 CFR 1.181", filed February 17, 2006.

The petition to withdraw the holding of abandonment is **GRANTED**.

This application became abandoned for failure to timely submit a response to the non-final Office Action mailed October 14, 2004. The Notice set an extendable 3 month period for reply. No extensions of time pursuant to 37 CFR 1.136(a) were obtained. Accordingly, this application was held abandoned on January 15, 2005. A Notice of Abandonment was mailed on May 16, 2005.

Petitioner asserts that the non-final Office Action mailed on October 14, 2004 was never received. Petitioner attest that the Office Action was never received. Petitioner states a search of the file jacket and docket records confirms the Office Action was not received. In support of petitioner's contention, a copy of the file jacket and docket records have been provided.

This application is being forwarded to Art Unit 3635 for re-mailing of the Office Action.

Telephone inquiries concerning this matter should 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

BMT/IBM
FIVE ELM STREET
NEW CANAAN, CT 06840

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JUL 20 2006
OFFICE OF PETITIONS

In re Application of Moskowitz et al. :
Application No. 09/542,367 : Decision on Petition
Filing Date: April 20, 2000 :
Attorney Docket No. 101.078 :

This is a decision on the petition under 37 CFR 1.181, filed November 22, 2004, to withdraw the holding of abandonment.

The petition is **granted.**

Facts:

A final Office action was mailed March 12, 2004.

A Notice of Appeal was filed May 6, 2004.

An Appeal Brief and a request for a two-month extension of time were filed August 18, 2004.

A Notice of Abandonment was mailed November 5, 2004. The Notice states a reply was never filed in response to the final Office action.

The instant petition requests the holding of abandonment be withdrawn.

Discussion:

The Notice of Appeal and Appeal Brief were both timely filed. Therefore, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The matter will be forwarded to Technology Center Art Unit 3621 for entry and consideration of the Notice of Appeal and Appeal Brief.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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)
6,333,504	2001-12-25	09542386	2000-04-04	Digirad-20002

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 C Harris/	Date (YYYY-MM-DD)	2010-04-12
Name	Scott C Harris	Registration Number	32030

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. 6333504
Issue Date: December 25,2001
Application No. 09542386
Filed: April 4,2000
Attorney Docket No. 07402-020002

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

This is a decision on the electronic petition, filed April 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 April 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

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

Paper No. 13

Fazal Raheman
c/o Don Mossman
30 Liberty Hill Drive
Blackstone MA 01504

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Fazal Raheman :
Application No. 09/542,392 :
Filed: April 4, 2000 :
Attorney's Docket No. 067695.0105 :

This is a decision on the petition under 37 CFR 1.137(a), filed on May 13, 2004, under 37 CFR 1.137(a) 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(a)" or, as described below, under 37 CFR 1.137(b). This is not a final agency decision.

The application became abandoned on December 1, 2002, for failure to file a timely response to the Office action mailed on October 30, 2002, which set a one (1) month shortened statutory period for reply. A Notice of Abandonment was mailed on May 5, 2003.

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 lacks item (3), above.

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]

In the present petition, petitioner asserts that neither the status of the application nor the nature of the Office action were accessible to him at any time during the due date for reply. Petitioner explains that he was incarcerated from July 9, 2001 to April 16, 2004. Petitioner states that the law firm of Baker and Botts prosecuted the present application since June of 2000. However, due to his incarceration, petitioner states that his oversees company went out of business leaving no contact

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[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). 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 cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

information for the law firm. In December of 2003, petitioner requested that his friend, Don Mossman, obtain a copy of the entire file from the law firm on his behalf. Petitioner states that on or about May 3, 2004, he received a complete set of paperwork pertaining to the present application from Mr. Mossman. Lastly, petitioner asserts that due to circumstances beyond his control, there was no conceivable way that he could have responded to the nonfinal Office action at any time prior to the filing of the present petition.

The showing of record has been considered, but is not persuasive. Initially, the Office notes that petitioner is ultimately responsible for the prosecution of his application.[2] Petitioner stated that due to his company going out of business, Baker and Botts had no contact information for petitioner. Petitioner should have attempted to contact the law firm and provide them with a correspondence address so that the firm could communicate with petitioner concerning the prosecution of the application. Additionally, petitioner could have communicated directly with the USPTO requesting the status of his application.

It appears from the petition that petitioner did not have any communication with Baker and Botts since approximately July of 2001. However, petitioner waited until May 13, 2004, to change his correspondence address and revoke power of attorney to Baker and Botts. Petitioner could have filed a change of correspondence address with the USPTO to have his mail forwarded to his prison address at any time during his incarceration. Accordingly, petitioner has not shown that adequate provisions were made for the careful handling of Office actions in order to ensure a timely response thereto. In any renewed petition, petitioner must show what steps were taken during his period of incarceration to communicate with Baker and Botts or the USPTO with regard to his application.

As to petitioner's reliance on Baker and Botts' representation, the Office records indicate that the law firm retained power of attorney until it was revoked by petitioner on May 13, 2004. Unfortunately, the USPTO must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and the applicant is bound by the consequences of those actions or inactions.[3] Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen

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[2] See In Re Columbo, Inc., 33 USPQ2d 1530, 1532 (Comm'r Pat. 1994).

[3] Link v. Wabash, 370 U.S. 626, 633-34 (1962).

representative does not constitute unavoidable delay within the meaning of 35 U.S.C. 133 or 37 CFR 1.137(a).[4]

If Baker and Botts was responsible for prosecution of the above-identified application when the reply necessary to avoid abandonment was due, petitioner must include a statement from Baker and Botts as to why action was not taken to prevent the application from becoming abandoned while the application was under the firm's control. Petitioner should send a letter (accompanied by a copy of this decision) to Baker and Botts by registered or certified mail, return receipt requested, indicating to Baker and Botts that the USPTO is requesting its assistance in determining the circumstances surrounding the abandonment of the above-identified application. Such statements should be accompanied by copies of any documents (*e.g.* correspondence between petitioner and counsel) relevant to the outstanding Office action. In the event that Baker and Botts fails to provide a statement within a period (*e.g.*, within one (1) month) specified in such letter, petitioner should submit a copy of such letter and the return receipt indicating its delivery to the law firm with any renewed petition under 37 CFR 1.137(a).

In summary, while the circumstances surrounding the abandonment of this application and the extended delay in filing the present petition to revive are unfortunate, they do not rise to the level of unavoidable delay. Therefore, the petition is dismissed.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b), which provides 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 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

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[4] Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

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 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)).

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should 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).

Should petitioner decide to file a petition under 37 CFR 1.137(b), the additional petition fee due would be $665.00 (small entity).

A copy of the form for filing a petition under 37 CFR 1.137(b) to revive an application unintentionally abandoned is enclosed herewith for petitioner's convenience.

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 FAX: (703) 872-9306
Attn: Office of Petitions

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

Telephone inquiries concerning this matter may be directed to the undersigned at (703)306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosures: Form PTO/SB/64
Privacy Act Notification Form

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 16

Fazal Raheman
c/o Don Mossman
30 Liberty Hill Drive
Blackstone MA 01504

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JUL 19 2004
OFFICE OF PETITIONS

In re Application of :
Fazal Raheman :
Application No. 09/542,392 :
Filed: April 4, 2000 :
Attorney's Docket No. 067695.0105 :

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 application became abandoned on December 1, 2002, for failure to file a timely response to the Office action mailed on October 30, 2002, which set a one (1) month shortened statutory period for reply. A Notice of Abandonment was mailed on May 5, 2003.

The petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Accordingly, the petition is granted.

The file is being forwarded to Technology Center 2100.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-5589.

Christina T. Donnell

Christina Tartera Donnell
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FAZAL RAHEMAN
C/O DON MOSSMAN
30 LIBERTY HILL DRIVE
BLACKSTONE, MA 01504

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OFFICE OF PETITIONS

In re Application of :
Fazal Sved Raheman :
Application No. 09/542,392 :
Filed: April 4, 2000 :
Attorney Docket No. :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 14, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability mailed July 6, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 7, 2005.

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 future correspondence solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of Formal Drawings; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

This application matter is being forwarded to the Publishing Division for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions

cc: Fazal Syed Raheman
103 Firdos Apartment
Nagpur 440001,
INDIA

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No: __

DADE BEHRING INC.
LEGAL DEPARTMENT
1717 DEERFIELD ROAD
DEERFIELD IL 60015

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OFFICE OF PETITIONS

In re Application of
Staples, et al :
Application No. 09/542,445 : ON PETITION
Filed: 4 April, 2000 :
Attorney Docket No.: BEH-7354A-Div :

This is a decision on the petition filed on 29 January, 2004, to revive the instant application under 37 C.F.R. §1.137(b) as abandoned due to unintentional delay.

For the reasons set forth below, the petition under 37 C.F.R.§1.137(b) is **GRANTED**; the extension-of-time fee submitted with the petition is not required and is credited as authorized to Deposit Account 04-0010.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to a final Office action mailed on 8 July, 2003, with reply due absent extension of time on or before 8 October, 2003;
- the application was deemed abandoned after midnight 8 October, 2003;
- on 24 November, 2004, Petitioner filed an after final amendment (with request and fee for

extension of time), however, the reply was not a proper reply;[1]

- it does not appear that a Notice of Abandonment was mailed before the instant petition was filed;

- the petition (with fee) submitted included, *inter alia*, included a Notice of Appeal (with fee) as the reply and the petition contained 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 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

---

[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).

[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.

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] And petitions calling upon the authority of the Commissioner to act, such as that under 37 C.F.R. §1.181,[8] require diligence as to their filing–i.e., the petition must be filed within two months of the action complained of.

Allegations as to Unintentional Delay

Petitioner has filed the petition, paid the fee, made the statement of unintentional delay and filed the reply, and, thus, has satisfied the requirements of 37 C.F.R. §1.137(b).

CONCLUSION

The petition under 37 C.F.R. §1.137(b) hereby is **granted**.

Petitioner has two months from the mail date of this decision to file the Appeal Brief in triplicate and fee. Extensions of time are governed by the regulations at 37 C.F.R. §1.136.

---

[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] The regulations at 37 C.F.R. §1.181 provide:

§ 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, or in the *ex parte* or *inter partes* prosecution of a reexamination proceeding 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 orre viewed by the Commissioner; and

(3) To invoke the supervisory authority of the Commissioner in appropriate circumstances. For petitions in interferences, see § 1.644.

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Briefs 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 declarations (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, or in the *ex parte* or *inter partes* prosecution of a reexamination proceeding, 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 or her decision upon the matters averred in the petition, supplying a copy 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.

(e) Oral hearing will not be granted except when considered necessary by the Commissioner.

(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.

(g) The Commissioner may delegate to appropriate Patent and Trademark Office officials the determination of petitions.

[24 Fed. Reg. 10332, Dec. 22, 1959; 34 Fed. Reg. 18857, Nov. 26, 1969; paras. (d) and (g), 47 Fed. Reg. 41278, Sept. 17, 1982, effective Oct. 1, 1982; para. (a), 49 Fed. Reg. 48416, Dec. 12, 1984, effective Feb. 11, 1985; para. (f) revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000; paras. (a) and (c) revised, 65 Fed. Reg. 76756, Dec. 7, 2000, effective Feb. 5, 2001]

The instant application is forwarded to Technology Center 1600 to await the filing of the Appeal Brief and fee by Petitioners, pursuant to the regulations at 37 C.F.R. §1.192.

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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

PILLSBURY WINTHROP SHAW PITTMAN, LLP
P.O. BOX 10500
MCLEAN VA 22102

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DEC 18 2007

OFFICE OF PETITIONS

In re Patent No. 6332760	:	
Issue Date: 12/25/2001	:	
Application No. 09/542477	:	NOTICE
Filed: 04/04/2000	:	
For: INFLATABLE PRODUCT PROVIDED	:	
WITH BULT-IN BATTERY CASE AND	:	
SOCKET	:	

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 the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 3

MICHAEL ROCCO CANNATTI
AKIN GUMP STRAUSS HAUER & FELD LLP
816 CONGRESS AVE
SUITE 1900
AUSTIN , TX 78701

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SEP 22 2000

SPECIAL PROGRAMS OFFICE
DAC FOR PATENTS

In re Application of
James Crow, et al.
Application No. 09/542,602
Filed: April 4, 2000
Attorney Docket No.044577.0015

DECISION DISMISSING PETITION

This is in response to the petition filed May 8, 2000, requesting correction of the filing date for the above-identified application, which is treated as a petition under 37 CFR § 1.10.

Petitioners allege that the above-identified application is entitled to a filing date of April 3, 2000, rather than the presently accorded filing date of April 4, 2000. In support of the petition, petitioners have submitted a copy of the returned date-stamped postcard receipt indicating the correspondence filed and received in the Patent and Trademark Office on April 4, 2000; a copy of Express Mail Label No. EJ755756076US indicating a "date-in" date of April 4, 2000; and an Affidavit from Terri Munoz, indicating that the correspondence was deposited in an Express Mail receptacle at approximately 6:05 p.m. and the last pick-up time for that receptacle is posted as 7:00 p.m. Ms. Munoz also indicated in her affidavit that several days later, after receiving the filing receipt, she was told by Post Office personnel that "perhaps circumstances beyond their control prevented [the] package from receiving the correct deposit date".

In accordance with 37 CFR § 1.10(a), correspondence received by the Patent and Trademark Office and delivered by USPS Express Mail Service, is considered as filed on the date of deposit in USPS Express Mail Service. The date of deposit is determine by the "date-in" date on the Express Mail mailing label or other official USPS notation.

37 CFR 1.10(d) applies where correspondence is deposited with the USPS and received by the Patent and Trademark Office and it is asserted that the "date-in" date on the US Express Mail Mailing label was incorrectly entered or omitted. A grantable petition under 37 CFR 1.10(d) requires:

(1) that the petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) the number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";

(3) the petition includes a showing which establishes, to the satisfaction of the Commissioner, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph ***must*** be corroborated by evidence from the USPS or that came into being after deposit and

within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

The instant petition lacks item (3) set forth above. The petitioner has not made an adequate showing that the requested filing date is the date the correspondence was deposited in the Express Mail service. An adequate showing must be corroborated by evidence from the USPS, or that came into being within one business day of the deposit of the correspondence in Express Mail service. The Affidavit of Terri Munson is insufficient because it is not corroborated by evidence from the USPS and it did not come into being within one business day of the deposit of the correspondence in the Express mail service.

Petitioners are reminded that according to 37 CFR 1.10(b), correspondence should be deposited directly with an employee of the USPS to ensure that the person depositing the correspondence receives a legible copy of the Express Mail receipt with the correct "date-in" clearly marked, and that persons dealing indirectly with the USPS by using an Express Mail drop box do so at their own risk. See also MPEP § 513.

Under the circumstances, petitioners are advised to submit some evidence which came into being after deposit and within one business day of the deposit of the correspondence, such as copies of the firm's Express mail log, courier records or receipts, receipts or corporate account statements, from the postal service which can be used to positively establish the date the correspondence was deposited in the Express Mail service. Petitioners are advised to consult § 513 of the MPEP for evidence which is considered to provide an adequate showing as required.

The petition is **dismissed**.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely (See 37 CFR 1.181(f)) and 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 may be directed to Petitions Attorney, Jennifer M. Hayes, at (703) 306-5608, or if unavailable, to the undersigned at (703) 305-9285.

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
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FEB 20 2001

OFFICE OF PETITIONS
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RONALD L GRUDZIECKI
BURNS DOANE SWECKER & MATHIS LLP
PO BOX 1404
ALEXANDRIA , VA 22313-1404

In re Reissue Application of
KOCH, FRANK J., *et al.*
Application No. 09/542,640
Filed: 04/03/2000
Original Patent No.: 5,930,744
Issue Date:07/27/1999
Attorney Docket No. 007325-077

DECISION ON PETITION

This is a decision on the June 5, 2000 response to the notice of incomplete application. The response is being treated as a petition requesting that the above-identified reissue application be accorded a filing date of April 3, 2000.

The reissue application was deposited with the USPTO on April 3, 2000. The filing included a copy of the original letters patent (no. 5,930,744) along with new claims (31-45), an unsigned declaration under 37 C.F.R. §1.175(a), an information sheet, a request for transfer of formal drawings, and a reissue application fee transmittal form. No drawings were submitted.

On May 10, 2000, the Office of Initial Patent Examination mailed a notice of incomplete reissue application to the address of record. This notice stated that the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings. A two month period was set for responding.

Petitioner timely responded on June 5, 2000 with this petition asserting that the requirement of drawings has already been satisfied with the request for transfer of formal drawings that was filed with the application. Petitioner's response is not well taken.

With respect to the submission of drawings in a reissue application, Petitioner is informed that while (at the time that this petition was filed) formal drawings can be transferred from the original patent file to the reissue application, the transfer of the drawings does not relieve applicants of the duty to provide copies of the drawings with the application papers. The necessity for filing drawings with the reissue application papers is clearly set forth in 37 C.F.R. §1.174(a) which states:

> "(a) The drawings upon which the original patent was issued may be used in reissue applications if no changes whatsoever are to be made in the drawings. In such cases, when the reissue application is filed, the applicant must submit a temporary drawing which may consist of a copy of the printed drawings of the patent or a photoprint of the original drawings of the size required for original drawing."

Petitioner has not offered any drawings to date. Accordingly, *this petition is* ***dismissed***.

Since this is a reissue application, the late submission of the drawings does not raise any issue of new matter. Therefore, in a renewed petition, the Commissioner may excuse the delay in supplying the copy of the drawings and accord the application the requested filing date. Of course, this cannot happen until the drawings are submitted.

Petitioner is reminded that 37 C.F.R. §1.174 has been removed, effective November 7, 2000. Also effective as of November 7, 2000, under 37 C.F.R. §1.173(a)(2), the office will no longer transfer the drawings from the patent application to the reissue application.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.53(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: Office of Petitions

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

Telephone inquiries related to this decision should be addressed to Petitions Attorney Scott M. Ledford at (703) 306-5593.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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RONALD L GRUDZIECKI
BURNS DOANE SWECKER & MATHIS LLP
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ALEXANDRIA , VA 22313-1404

MAR 30 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Reissue Application of
KOCH, FRANK J., *et al.*
Application No. 09/542,640
Filed: 04/03/2000
Original Patent No.: 5,930,744
Issue Date:07/27/1999
Attorney Docket No. 007325-077

DECISION ON PETITION

This is a decision on the February 26, 2001 renewed petition under 37 C.F.R. §1.53(b). The response is being treated as a petition requesting that the above-identified reissue application be accorded a filing date of April 3, 2000.

The reissue application was deposited with the United States Patent and Trademark Office on April 3, 2000. The filing included a copy of the original letters patent (no. 5,930,744) along with new claims (31-45), an unsigned declaration under 37 C.F.R. §1.175(a), an information sheet, a request for transfer of formal drawings, and a reissue application fee transmittal form. No drawings were submitted.

On May 10, 2000, the Office of Initial Patent Examination (hereinafter "OIPE") mailed a notice of incomplete reissue application to the address of record. This notice stated that the application was deposited without drawings and that the filing date of the application would be the date of receipt of the drawings. A two month period was set for responding.

Petitioner timely responded on June 5, 2000 with a petition asserting that the requirement of drawings had already been satisfied with the request for transfer of formal drawings that was filed with the application. Petitioner's response was not well taken. In a decision dated February 20, 2001, that petition was dismissed for failure to comply with the requirement under 37 C.F.R. §1.174(a) that where no changes are to be made to the drawings from their form as published in the original patent, the applicant must submit a temporary drawing with the reissue application. A two month period was set for replying. Petitioner then filed this renewed petition on February 26, 2001.

This renewed petition is accompanied by formal drawings and a request to the Commissioner to excuse the delay in supplying the drawings and to accord the reissue application a filing date of April 3, 2000.

Since this is a reissue application, the late submission of the drawings does not raise any issue of new matter. Therefore, the Commissioner hereby excuses the delay in filing these drawings.

The petition is ***granted***. The requested filing date of April 3, 2000 is to be accorded this application.

This application will be forwarded to OIPE for processing in accordance with the foregoing.

Telephone inquiries related to this decision should be addressed to Petitions Attorney Scott M. Ledford at (703) 306-5593.

Beverly 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
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Paper No. 16

Irell & Manella
840 Newport Center Drive
Suite 400
Newport Beach, CA 92660

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OFFICE OF PETITIONS

In re Application of :
Urich et al. :
Application No. 09/542,670 :
Filed: April 4, 2000 :
Attorney Docket No. 155696-0024 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 19, 2004, to revive the above-identified application.

The petition is Granted.

The above-identified application became abandoned for failure to reply within a timely manner in reply to the final Office action mailed August 13, 2003, 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 November 14, 2003.

The application file is being forwarded to Technology Center AU 3731 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

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

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

WALKER DIGITAL
2 HIGH RIDGE PARK
STAMFORD CT 06905

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DEC 22 2006

OFFICE OF PETITIONS

In re Application of Jay Walker et al.
Application No.: 09/542,676
Filed: April 03, 2000
Attorney Docket No.: 96-059-1
For: METHOD AND DEVICE FOR GENERATING A SINGLE-USE FINANCIAL ACCOUNT NUMBER

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 November 7, 2006.

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 8, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-entitled application became abandoned at midnight on December 8, 2005.

On November 7, 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) the petition fee; (2) the required statement of unintentional delay; and (3) the required reply in the form of payment of the issue fee. Accordingly, the issue fee payment 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.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of Petitions/Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 15

SKJERVEN MORRILL LLP
25 METRO DRIVE
SUITE 700
SAN JOSE CA 95110

MAIL

NOV 22 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application Serial No.:
09/542,681

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: Steve Volk
Chairman of the Board
DataPlay, Inc.
2560 55th Street
Boulder, CO 80301-5706

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 17

STEVE VOLK
CHAIRMAN OF THE BOARD
DATAPLAY, INC.
2560 55TH STREET
BOULDER, CO 80301-5706

MAILED
JAN 3 1 2003
Technology Center 2600

MAILED
JAN 3 1 2003
Technology Center 2600

In re Application Serial No.:
09/542,681

ON REQUEST TO
WITHDRAW AS ATTORNEY

The Request filed 12/24/02 to Withdraw as Attorney is **DISMISSED AS MOOT**.

The petitioner, James E. Parsons, is no longer of record as attorney and agent. Therefore, he cannot request a change of address.

There appears to be two addresses for the applicant. If the address of record (above) is improper, applicant must submit a formal Change of Correspondence Address.

Further communications will continue to be directed to the address of record listed above until such a time as applicant properly notifies the Patent and Trademark Office of a change of address.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4701

cc: Skjerven Morrill LLP
25 Metro Drive
Suite 700
San Jose, CA 95110

cc: Alan MacPherson
MacPherson Kwok Chen & Heid LLP
2001 Gateway Place, Suite 195
San Jose, CA 95110

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 11

ABBOTT LABORATORIES
DEPT 377 - AP6D-2
100 ABBOTT PARK ROAD
ABBOTT PARK IL 60064-6050

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MAY 1 6 2002

OFFICE OF PETITIONS

In re Application of
Yu, et al.
Application No. 09/542,718
Filed: April 4, 2000
Attorney Docket No. 6687.US.01

DECISION ON PETITION

This is a decision on the petition filed on March 22, 2002 (Certificate of Mailing dated March 13, 2002), 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 October 11, 2000. This Office action set a shortened statutory period for reply of three (3) months from the mailing date of the action. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 12, 2001. A Notice of Abandonment was mailed on May 18, 2001.

Petitioner has paid the petition fee and met the requirements for a grantable petition under 37 CFR 1.137(b). A response to the Office action in the form of an amendment has been submitted, satisfying the requirement under 37 CFR 1.137(b)(1).

The Request for Continued Examination (RCE) filed with the instant petition is not a proper response to the non-final Office action. An RCE under 37 CFR 1.114 is not permitted unless prosecution in the application is closed.[1] The RCE fee ($740.00) has been refunded to Deposit Account 01-0025.

The application file is being forwarded to Technology Center 1600 for consideration of the amendment, filed March 22, 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

---

[1] See 37 C.F.R. §1.114 (2001).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PHILIPS INTELLECTUAL PROPERTY &
STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

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MAY 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Gudrun Vandeginste	:	
Application No. 09/543,016	:	
Filed: April 4, 2000	:	ON PETITION
Attorney Docket Number:	:	
PHN 17,395	:	

This is a decision on the Petition to Revive Unintentionally Abandoned Application under 37 CFR 1.137(b), filed March 21, 2006.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed August 15, 2005. The Office action set a three (3) month period for reply. Applicant filed an Amendment in response to the final Office action on October 17, 2005, however, the Amendment failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action mailed December 1, 2005. No complete and proper reply having been received, the application became abandoned on November 16, 2005. A Notice of Abandonment was mailed on March 31, 2006.

With the instant petition, Applicant has filed an Amendment and the appropriate responses to place the application in condition for allowance.

The petition is hereby **granted**.

This application is being referred to Technology Center 2663 for processing of the Amendment in due course.

Telephone inquiries related to this decision may 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
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Alexandria, VA 22313-1450
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STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

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MAY 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Gudrun Vandeginste	:	
Application No. 09/543,016	:	
Filed: April 4, 2000	:	ON PETITION
Attorney Docket Number:	:	
PHN 17,395	:	

This is a decision on the Petition to Revive Unintentionally Abandoned Application under 37 CFR 1.137(b), filed March 21, 2006.

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed August 15, 2005. The Office action set a three (3) month period for reply. Applicant filed an Amendment in response to the final Office action on October 17, 2005, however, the Amendment failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action mailed December 1, 2005. No complete and proper reply having been received, the application became abandoned on November 16, 2005. A Notice of Abandonment was mailed on March 31, 2006.

With the instant petition, Applicant has filed an Amendment and the appropriate responses to place the application in condition for allowance.

The petition is hereby **granted**.

This application is being referred to Technology Center 2663 for processing of the Amendment in due course.

Telephone inquiries related to this decision may 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
Washington, D.C. 20231
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Paper No. 7

BROMBERG & SUNSTEIN LLP
125 SUMMER STREET
BOSTON MA 02110

COPY MAILED
FEB 7 2002
OFFICE OF PETITIONS

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FEB 8 2002
OFFICE OF PETITIONS

In re Application of
Jackson, et al.
Application No. 09/543,223
Filed: April 5, 2000
Attorney Docket No. 2204/A35

DECISION ON PETITION

This is a decision on the petition filed January 8, 2002 (Certificate of Mailing dated November 7, 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 reply to the Notice to File Missing Parts of Nonprovisional Application, mailed June 27, 2000. This Notice set a period for reply of two (2) months from the mail date of the Notice to file the filing fees and to submit an executed oath or declaration. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 28, 2000. A Notice of Abandonment was mailed on January 22, 2002.

With the instant petition, petitioner filed the missing filing fee ($740 statutory filing fee and $876 additional claims fee), submitted an executed oath or declaration (including the $130 surcharge for its late filing), and met all other requirements for a grantable petition under 37 CFR 1.137(b).

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries related to 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

SCAN! · **Please forward case and paper to address shown below.**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/8/08

TO SPE OF : ART UNIT 3762 Sykes, Angela (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/543264 Patent No.: 6944501

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.

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

Comments: _____

ANGELA D. SYKES
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

SPE

3762
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. 6190206
Issue Date: February 20,2001
Application No. 09543345
Filed: April 5,2000
Attorney Docket No. EM/YANG/5520

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

This is a decision on the electronic petition, filed June 23,2010 ,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 June 23,2010 . 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)
6190206	2001-02-20	09543345	2000-04-05	YATA028

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	/Thomas J. Moore/	Date (YYYY-MM-DD)	2010-06-23
Name	Thomas J. Moore	Registration Number	28974

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
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FEB 2 2 2007

OFFICE OF PETITIONS

POLLOCK VANDE SANDE & AMERNICK RLLP
SUITE 800
1990 M STREET NW
WASHINGTON DC 20036-3425

In re Application of	:	
Etsuro Minami et al	:	
Application No. 09/543,358	:	ON PETITION
Filed: April 5, 2000	:	
Attorney Docket No. 1776/00049	:	

This is a decision on the petition, filed February 21, 2007 and resubmitted on February 22, 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 5, 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]

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/firm currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

---

[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).

The examiner of Technology Center AU 2168 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:
CONNOLLY BOVE LODGE & HUTZ LLP
1990 M STREET, N.W., SUITE 800
WASHINGTON, DC 20036

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

MAIL

FEB 20 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Greg T. Sueoka
FENWICK & WEST LLP
Two Palo Alto Square
Palo Alto, CA 94306

In re Application of:)
M. C. Chen et al.)
Application No.: 09/543,381)
Filed: May 5, 2000)
For: METHOD AND SYSTEM FOR PROVIDING VOICE COMMUNICATION OVER DATA NETWORKS

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the Request To Withdraw As Attorneys filed January 17, 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 associated with Customer Number 00758 filed July 13, 2001 have been withdrawn from the attorney of record.

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

Krista Zele
Special Program Examiner
Technology Center 2600
Communication

cc: Baker Botts
Bart Showalter
2001 Ross Avenue
Dallas, TX 75201-2980

SPE L. Smith

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 09/543,407

Paper No.: _____

DATE : 8/5/05

TO SPE OF : ART UNIT 1645

SUBJECT : Request for Certificate of Correction on Patent No.: 6864365

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:

LJS

LJS 8/30/05

SPE **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

Paper No. 10

#10

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DEC 1 0 2003

OFFICE OF PETITIONS

Maksim Kadiu
19694 Auburn Drive
Cupertino CA 19694

In re Application of
Maksim Kadiu
Application No. 09/543,442
Filed: April 5, 2000

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 20, 2003, 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 August 3, 2001. A shortened statutory period of three months was set for replying to the non-Final Office Action. An extension of time was requested without the required response and thus was not granted. Accordingly, the application became abandoned November 4, 2001 and a Notice of Abandonment was mailed March 21, 2002.

Petitioner files the instant petition under 37 CFR 1.137(b). [1]

Additionally, 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 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 is being forwarded to Technology Center 3673 for appropriate action on the amendment filed February 20, 2003.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:
E. Thomas Wheelock
755 Page Mill Road
Palo Alto, CA 94304-1018

---

[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
WASHINGTON, DC 20231
www.uspto.gov

MAILED Paper No. 8

JUN 06 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

PATENT ADMINSTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 WEST MONROE STREET
SUITE 1600
CHICAGO IL 60661-3693

In re Application of:
SRINIVASAN, VENUGOPAL
Application No. 09/543,480
Filed: April 6, 2000
For: MULTI-BAND SPECTRAL AUDIO ENCODING

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed May 12, 2003 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be accompanied by the required fee- $130,
(2) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(3) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(4) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(5) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references.

The petition meets all the above-listed requirements. Accordingly, the petition 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.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
(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. 5

WOODCOCK WASHBURN KURTZ
MACKIEWICZ & NORRIS LLP
ONE LIBERTY PLACE - 46TH FLOOR
PHILADELPHIA PA 19103

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MAR 1 4 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Michael P. Thompson et al
Application No. 09/543,651
Filed: April 5, 2000
Attorney Docket No. MSFT-0173

: DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed May 8, 2000 and supplemented by facsimile on February 23, 2001, to change the order of inventorship.

The petition is Dismissed as MOOT for the reasons stated below.

A review of the file record discloses that this application was filed without an executed oath or declaration by one of the named inventors herein, namely, Dan Altman. Therefore, since the Office takes the order of the names of the inventors from the executed declaration as filed and since petitioner may, upon submission of an executed oath or declaration, submit an oath or declaration which lists the desired order of inventorship, the filing of a petition herein is premature and is dismissed as involving a moot issue.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-8859.

This application is being returned to the Initial Patent Examination Division to await a reply to the Notice to File Missing Parts of Application mailed February 2, 2001.

Karen Creasy

Karen Creasy
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
PO BOX 1450, ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

AUG - 8 2003

#17

DR VIVIANNA AMZEL
EPIGENESIS PHARMACEUTICALS, INC
7 CLARKE DRIVE
CRANBURY NJ 08512

In re Application of	:
Jonathan W. Nyce	:
Serial No.: 09/543,679	: WITHDRAWAL OF ABANDONMENT
Filed: April 4, 2000	:
Attorney Docket No.: EPI-0067191	:

This is in response to the petition under 37 CFR 1.181, filed June 19, 2003, requesting withdrawal of abandonment based on a timely filed reply.

A review of the file history shows the examiner mailed a non-Final Office action to applicants on October 4, 2001, setting a one month shortened statutory period for reply. Applicants replied on January 4, 2002. The examiner then mailed a Notice of Non-Responsive Amendment to applicants on March 4, 2002, requiring further election of a species and sequence, setting a one month shortened statutory period for reply. Upon failure to receive a reply the examiner held the application abandoned by Notice of Abandonment mailed to applicants on June 6, 2003. Applicants state that they replied on April 4, 2002, and provide a copy of the reply. The originally filed copy of the reply has not been located and the copy provided with the petition will be used in lieu thereof. In view of the evidence presented, the Notice of Abandonment was mailed in error and is withdrawn and the application restored to pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration.

The petition indicates that the application has been transferred from EpiGenesis Pharmaceuticals as of January, 2003. However, no record of any transfer of responsibility or new power of attorney has been received.

Should there be any questions regarding this decision, please contact William R. Dixon, Jr., by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

John Doll
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

In re Application of	:
Jonathan W. NYCE et al.	:
Application No. 09/543,679	: DECISION GRANTING PETITION
Filed: April 4, 2000	: UNDER 37 CFR 1.137(b)
Attorney Docket No. 30775-705.201	:

This is a decision on the petition under 37 CFR 1.137(b), filed February 1, 2005, 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 October 29, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 30, 3005.

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 payment of the Issue Fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment 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. Although the Power of Attorney filed September 3, 2004 appoints Associate Power of Attorney to the person signing the instant petition, Associate Power of Attorney practice under 37 CFR 1.34(b) has been eliminated effective June 25, 2004. 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.

The 37 CFR 1.137(b) petition fee of $750 has been charged to deposit account No. 50-0220

This applicaiton is being referred to the Office of Publications.

Telephone inquiries concerning this decision should be directed to Betsy L. Deppe at (571) 272-6052 or in her absence, the undersigned at (571) 272-3217.

Brian Hearn
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Kenneth D. Sibley
Myers Bigel Sibley & Sajovec
Post Office Box 37428
Raleigh, NC 27627

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 11

KATTEN MUCHIN ZAVIS & ROSENMAN
575 MADISON AVE.
NEW YORK, NY 10022-2585

COPY MAILED

SEP 16 2004

OFFICE OF PETITIONS

In re Application of	:	
Osamu Sekihata	:	
Application No. 09/543,754	:	ON PETITION
Filed: April 5, 2000	:	
Attorney Docket No. FUSA 17.211	:	

This is a decision on the petition under 37 CFR 1.137(b), filed September 1, 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 23, 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 May 24, 2004.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (703) 306-5684.

The application is being forwarded to Technology Center AU 2666 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, DC 20231
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NOV 2 4 2000

Technology Center 2100

Paper No. 3

Peter Gibson, #307
6316 Greenspring Avenue
Baltimore, MD 21209

In re Application of : John L. Howes
Application No. 09/543,764
Filed: April 5, 2000
For: CONTAINERIZED LIQUID COATING PRODUCT DIRECT SUPPLY BUSINESS METHOD

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition, filed April 5, 2000 under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);

(B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status...;

(C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

(D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission is deficient in that it does not comply with (B) above. That is, it does not indicate that Applicant will make an election without traverse if the Office determines that all claims are not obviously directed to a single invention. Further, the submission does not comply with (D) above in that no copy of each reference deemed most closely related to the claimed subject matter is found. No indication is given regarding the inclusion of references in the transmittal letter filed April 5, 2000 that lists the petition to make special.

Accordingly, the Petition is **DENIED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.

Robert A. Weinhardt
Special Program Examiner
Technology Center 2100
Computer Architecture, Software,
& Electronic Commerce
703-305-9780

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JAN 3 0 2001

Technology Center 2100

Paper No. 5

Peter Gibson, #307
6316 Greenspring Avenue
Baltimore, MD 21209

In re Application of : John L. Howes
Application No. 09/543,764
Filed: April 5, 2000
For: CONTAINERIZED LIQUID COATING PRODUCT DIRECT SUPPLY BUSINESS METHOD

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the request for reconsideration, filed December 7, 2000, responsive to the decision mailed October 24, 2000 concerning the petition of April 5, 2000 under 37 C.F.R. §102(d) and M.P.E.P. § 708.02(VIII): Accelerated Examination, to make the above-identified application special.

M.P.E.P. § 708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. § 102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(A) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);

(B) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status...;

(C) Submits a statement(s) that a pre-examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

(D) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(E) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111 (b) and (c), how the claimed subject matter is patentable over the references.

In those instances where the request for this special status does not meet all the prerequisites set forth above, applicant will be notified and the defects in the request will be stated. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

The decision mailed October 24, 2000 stated that applicant's submission was deficient in that it did not indicate that Applicant will make an election without traverse if the Office determines that all claims are not obviously directed to a single invention and that it did not provide a copy of each reference deemed most closely related to the claimed subject matter. Applicant's request for reconsideration of December 7, 2000 includes the statement regarding election without traverse and is accompanied by the necessary references.

Therefore, applicant's submission meets all the criteria set forth above and the petition is **GRANTED**.

The application file is being forwarded to the Examiner for accelerated examination in accordance with M.P.E.P. § 708.02. If the application is subsequently allowed, it will be given priority for printing. See M.P.E.P. § 1309.

Robert A. Weinhardt
Special Program Examiner
Technology Center 2100
Computer Architecture, Software,
& Electronic Commerce
703-305-9780

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
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PETER GIBSON
6316 GREENSPRING AVENUE, #307
BALTIMORE, MARYLAND 21209

MAILED

JAN 22 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

In re Application of
John L. Howes
Serial No. 09/543,764
Filed April 5, 2000
For: CONTAINERIZED LIQUID COATING PRODUCT SUPPLY BUISNESS METHOD

DECISION ON PETITION FILED UNDER 37 CFR 1.181

This is a decision on the Petition under 37 CFR 1.181 filed December 3, 2002, which is being treated as a request for reconsideration of the examiner's office action mailed out as paper #10.

The petition is DENIED to the extent indicated below.

A review of the file history reveals that on October 23, 2002 the Office issued a second action non-final rejection. In the non-final rejection, claims 1-4, 6-10, 17-22 and 23-28 are rejected under 35 U.S.C. 103(a) as being unpatentable over a publication entitled *Web Ordering May Alter Role of Distributors*, published by national Home Center News, v. 24, n. 10, p. 23-25, on June 22, 1998, by Carol Tice (hereinafter *Distributor Roles*), in view of an article entitled *Lowe's Launches New Superstore in N.E. Dallas, TX*, published on February 10, 1998 on PR Newswire (hereinafter *Lowe's Superstore*); claims 11-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Distributor Roles* in view of *Lowe's Superstore* and further in view of applicant's disclosure; claims 29-34 are rejected under 35 U.S.C. 103(a) as being unpatentable *Distributor Roles* in view of *Lowe's Superstore* and further in view of an article entitled *Welcome Homes on the Virginia Beach Tour – Visit a premier Colonial Revival-Style Home, Painstakingly Built and Restored*, by Ann Wright published on April 19, 1998 (hereinafter *Colonial Restoration*).

The file history shows that a first Office action was mailed out on January 15, 2002. In that action, the examiner rejected the claims under 35 U.S.C. 103(a) as being unpatentable over *Distributor Roles*.

The addition of the references *Lowe's Superstore* and *Colonial Restoration* in the second Office action constituted new grounds of rejection using prior art not previously of record, and did not comprise a repeated action as alleged by applicant. The new grounds of rejection were not necessitated by applicant's amendment of the claims, nor were they based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c). Thus a non-final Office was properly made by the examiner (see MPEP 706.07(a)).

Additionally, applicant's right to appeal has not been abrogated. Under 37 CFR 1.191(a), an applicant for a patent dissatisfied with the primary examiner's decision on the second or final Office action may appeal to the Board of Patent Appeals and Interferences for review of the examiner's decision, once the fee has been paid for such review (see MPEP 1205).

The application is being returned to the examiner's docket to await treatment on the merits regarding the request for reconsideration.

Inquiries related to this decision may be directed to Supervisory Patent Examiner Wynn Coggins at (703) 308-1344.

John J. Love, Director
Patent Technology Center 3600
(703) 308-1020
FAX (703) 306-4597

WC: 01/07/03

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JAN 21 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

ANTHONY G. FUSSNER
HARNESS, DICKEY & PIERCE, P.L.C.
7700 BONHOMME, STE 400
ST. LOUIS MO 63105

Paper No. 24

In re Application of:	John L. Howes	
Application Number:	09/543,764	DECISION ON
Filed:	April 5, 2000	PETITION UNDER
For: COMPUTERIZED LIQUID COATING PRODUCT SUPPLY BUSINESS METHOD		37 CFR 1.181

This is a decision on the Petition under 37 CFR 1.181 filed July 15, 2003 and requesting invocation of the Commissioner's Supervisory Authority.

The Petition is **DISMISSED**.

Discussion

The Petition filed July 15, 2003 (Paper 15) is dismissed as being moot in view of Applicant's "Request For Withdrawal From Consideration of the Petition" having a Certificate of Transmission dated January 16, 2004 (Paper 23).

Status of Submissions Subsequent to the Petition

The following submissions have been filed subsequent to this Petition:

-Notice of Appeal filed August 10, 2003
-Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address filed September 1, 2003
-One Month Extension of Time filed October 21, 2003
-Request for Continued Examination filed October 21, 2003
-Preliminary Amendment filed October 21, 2003
-Information Disclosure Statement filed October 21, 2003

Result

The Petition is **DISMISSED**.

The Appeal has been withdrawn and prosecution in this application has been reopened pursuant to 37 CFR 1.114.

The Revocation of Power of Attorney with New Power of Attorney and Change of Correspondence Address has been accepted and recorded.

The case is being forwarded to the Examiner for consideration of the Preliminary Amendment and the Information Disclosure Statement. An Office action on the merits will follow in due course.

John J. Love
Director
Technology Center 3600
703-308-1020

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BURNS DOANE SWECKER & MATHIS
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

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OFFICE OF PETITIONS

ON PETITION

In re Patent No. 6,780,609	:
Issue Date: August 24, 2004	:
Application No. 09/543,771	:
Filed: April 5, 2000	:
Attorney Docket No. 032796-014	:

This is a decision on the petition filed May 26, 2004, to waive the rules and accept the addition of the second assignee on the front page of the above-identified patent.

The petition is granted.

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.

This matter is being referred to Files Repository.

Telephone inquiries concerning this matter may 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.

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

Bradley N. Ruben
463 First Street, Suite 5a
Hoboken, NJ 07030

Paper No. 27

In re application of William S. Dalton et al. Application No. 09/543,951 Filed: April 6, 2000 For: BRUSH-SEAL DESIGNS FOR TURBINES AND SIMILAR ROTARY APPARATUS	: : : :	**DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)**

This is a decision on the petition submitted on January 15, 2004 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a copy of inventor Dalton's Massachusetts driving license which indicates that he is at least 65 years of age.

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 examine 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.

SUMMARY: Petition to Make Special **GRANTED**.

Randolph A. Reese
Special Programs Examiner
Technology Center 3600
(703) 308-2121

RAR/mjz: 2/9/04

The opinion in support of the decision being entered today was not written for publication in a law journal and is not binding precedent of the Board.

Paper No. 33

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte WILLIAM DALTON *et al.*

Appeal No. 2004-1925
Application No. 09/543,951

DECISION ON PETITION

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U.S. PATENT AND TRADEMARK OFFICE
BOARD OF PATENT APPEALS
AND INTERFERENCES

On August 18, 2004, Appellants filed a Petition under 37 CFR §1.183 requesting suspension of the 37 CFR §1.194(b) requirement regarding a Request for Oral hearing. The Petition was further accompanied a supporting Declaration. The basis of the Petition was to present reasons why an Oral Hearing was deemed necessary even though Appellants, in "unintentional" oversight, had not filed a request for an Oral Hearing in a separate paper unto itself. Counsel further stated that:

> During the substantive prosecution with the Examiner, Applicants emphasized and argued that, as claimed, the invention operates dynamically in the environment of a turbine whereas the primary reference operates statically in the same environment, even though both devices perform essentially the same sealing function under normal operating conditions. It is believed that an oral hearing is desirable, if not essential, for a full and complete appreciation of this argument in light of the rejection, consonant with the admonition in §1.194(a), and that justice requires the opportunity to present this argument orally.

In the demonstrated need of an Oral Hearing, and in the interest of justice, the Petition is GRANTED, and

It is further ORDERED that this appeal is to be scheduled for an Oral Hearing in due course.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: _____
CRAIG R. FEINBERG
Program and Resource Administrator
703-308-9797

Bradley N. Ruben, Esq.
463 First Street, Suite 5A
Hoboken, NJ 07030-1859

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OCT 27 2009

OFFICE OF PETITIONS

JOHN E. BECK
XEROX CORPORATION
XEROX SQUARE 20A
ROCHESTER NY 14644

In re Application of	:	
Shanahan James et al	:	
Application No. 09/543,962	:	DECISION ON PETITION
Filed: April 7, 2000	:	
Attorney Docket No. D/99458	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 8, 2009, 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; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply is accepted as having been unintentionally delayed.

The change of address submitted on March 3, 2009 is not signed by an attorney of record in the above application file.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2176 for appropriate action by the Examiner in the normal course of business on the reply received April 8, 2009.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

cc:

PATENT DOCUMENTATION CENTER
XEROX CORPORATION
100 CLINTON AVE. SOUTH
MAILSTOP: XRX2-020
ROCHESTER,NY 14644

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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)
6205045	2001-03-20	09544293	2000-04-06	001701.87293

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	/Christopher R. Glembocki/	Date (YYYY-MM-DD)	2009-06-25
Name	Christopher R. Glembocki	Registration Number	38800

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.

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In re Patent No. 6205045
Issue Date: March 20,2001
Application No. 09544293
Filed: April 6,2000
Attorney Docket No. 1701.87293

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

This is a decision on the electronic petition, filed June 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 June 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.

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

Patrick D. Kelly
11939 Manchester #403
St. Louis, MO 63131

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MAY 2 3 2002

OFFICE OF PETITIONS

In re Application of
Kevin A. Mansmann
Application No. 09/544,341
Filed: April 6, 2000
Attorney Docket No. KM-M1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 10, 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 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 lack(s) item(s) (1).

The Notice to File Missing Parts mailed June 26, 2000, required a $65.00 surcharge for the late filing of the Oath/Declaration. A review of the record reveals that Petitioner has not submitted the outstanding fee requirement. Therefore, revival of the above-identified application cannot occur until the $65.00 surcharge is submitted.

It is noted that the petition was intended to be signed by applicant's registered attorney Patrick D. Kelly, however, the petition is not signed. Since the certificate of mailing under 37 CFR 1.8 included on the present petition contains a signature by counsel, the signature on the certificate of mailing will be construed as the necessary ratification of the unsigned petition.

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

By mail: United States Patent and Trademark Office
P.O. Box 2327
Mailstop DAC
Arlington, VA 22202

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

Paper No. 9

Patrick D. Kelly
11939 Manchester #403
St. Louis, MO 63131

COPY MAILED

AUG 2 9 2002

OFFICE OF PETITIONS

In re Application of	:	
Kevin A. Mansmann	:	
Application No. 09/544,341	:	ON PETITION
Filed: April 6, 2000	:	
Attorney Docket No. KM-M1	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 26, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (703) 308-6711.

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

Patrick D. Kelly
11939 Manchester #403
St. Louis, MO 63131

COPY MAILED

NOV 1 2 2004

OFFICE OF PETITIONS

In re Application of	:	
Kevin A. Mansmann, M.D.	:	
Application No. 09/544,341	:	ON PETITION
Filed: April 6, 2000	:	
Attorney Docket No. KM-M1	:	

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

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 30, 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. Accordingly, the above-identified application became abandoned after midnight August 30, 2003.

In response, petitioner submitted with the instant petition $685 for the petition to revive fee, and an amendment.

The petition is **GRANTED**.

The application file is being forwarded to Technology Center Art Unit 3738, 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

MAILED

MAR 0 7 2001

Technology Center 2100

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

Paper No. 4

Michael F. Krieger
Kirton & McConkie
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

In re Application of: James B. Loveland	)	
Application No. 09/544,367	)	**DECISION ON PETITION**
Filed: April 6, 2000	)	**FOR ACCELERATED**
For: VIRTUAL STRUCTURE DATA	)	**EXAMINATION UNDER**
REPOSITORY AND DIRECTORY	)	**M.P.E.P. §708.02(VIII)**

This is a decision on the petition, filed July 24, 2000 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, ***will make an election without traverse*** as a prerequisite to the grant of special status.

(c) Submits a statement(s) that a pre - examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

> In those instances where the request for this special status does not meet all the prerequisites set forth above, ***applicant will be notified and the defects in the request will be stated.*** The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission is deficient because it does meet the requirements of section (b) . The petition does not contain the statement that Applicant believes all claims are presented to a single invention and that Applicant will make an election ***without traverse*** if the Office determines that all claims are not obviously directed to a single invention.

Accordingly, the Petition is **DENIED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.

Pinchus M. Laufer

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

Mailed

MAR 2 3 2001

Technology Center 2100

Paper No. 6

Michael F. Krieger
Kirton & McConkie
1800 Eagle Gate Tower
60 East South Temple
Salt Lake City, Utah 84111

In re Application of: James B. Loveland	)	
Application No. 09/544,191	)	**DECISION ON PETITION**
Filed: April 6, 2000	)	**FOR ACCELERATED**
For: AUTOMATED TASK	)	**EXAMINATION UNDER**
MANAGEMENT AND	)	**M.P.E.P. §708.02(VIII)**
EVALUATION	)	

This is a decision on the supplemental petition, filed March 21, 2001 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special. The petition was filed in response to a denial of the original petition filed July 21, 2000.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(I);

(b) Presents all claims directed to a single invention, ...

(c) Submits a statement(s) that a pre - examination search was made, listing the field of search by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) Submits a detailed discussion of the references, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

Applicant's submission corrects the deficiency noted in the original decision. The combined submissions meet all the criteria set out above, accordingly, the Petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for accelerated examination according to the procedures set forth in M.P.E.P. §708.02, Section VIII.

Pinchus M. Laufer

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

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

Paper No. 11

HOGAN & HARTSON L.L.P.
Biltmore Tower
500 S. Grand Ave., Suite 1900
Los Angeles, CA 90071-2611

JAN 24 2003

In re Application of	:	
Kazunobu KUWAZAWA	:	DECISION ON PETITION
Application No.: 09/544,392	:	TO WITHDRAW THE
Filing Date: April 6, 2000	:	HOLDING OF ABANDONMENT
Attorney's Docket No.: 005317-20069	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181(a) filed on September 20, 2002 and supplemented on January 22, 2003. There is no fee for this petition.

The petition is **GRANTED**.

A review of the application file reveals that a Notice of Abandonment was mailed on September 5, 2002 holding the application to be abandoned for failure to timely file a proper reply to the Office letter (a restriction) mailed on August 27, 2001.

Petitioner asserts that a response (an election and amendment) to the Office action of August 27, 2001 was timely filed via facsimile transmission on September 27, 2001. In support of this assertion, petitioner submitted the following papers as evidence of timely submission: 1) a copy of a response entitled "RESPONSE TO RESTRICTION REQUIREMENT AND PRELIMINARY AMENDMENT" which bears a Certificate of Transmission under 37 C.F.R. § 1.8(a) dated September 27, 2001; 2) a statement signed by petitioner, filed via facsimile transmission on January 23, 2003, which attests upon a personal knowledge basis to the previous facsimile transmission; and 3) a copy of the sending unit's report confirming transmission. The Certificate of Transmission dated September 27, 2001 would have made the response timely if received in the Patent and Trademark Office.

The file record does not include the originally submitted response.

The evidence submitted by petitioner satisfies the conditions for accepting a response filed using a certificate of transmission under 37 C.F.R. § 1.8(a) but not received by the USPTO. Accordingly, the petition is granted.

The Notice of Abandonment mailed September 5, 2002 is **VACATED**.

The copy of the response submitted with the petition is accepted since the USPTO apparently did not receive the response originally submitted.

The application is being forwarded to the Technical Support Staff for entry of the response. The application will then be forwarded to the Examiner for consideration of the response.

Edward Westin

Edward P. Westin, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ——

DATE : ~~3/2/06~~ 3/9/06

TO SPE OF : ART UNIT 3761

SUBJECT : Request for Certificate of Correction for Appl. No.: 9/544399 Patent No.: 6994202 B1

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**.

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: See amendment to specification dated 11/April/2005; see amendment to claims dated 05/November/2006. -MGB

TATYANA ZALUKAEVA
SUPERVISORY PRIMARY EXAMINER

Zalukaeva
SPE

3761
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

LEE & HAYES PLLC
421 W RIVERSIDE AVENUE SUITE 500
SPOKANE, WA 99201

COPY MAILED

JAN 20 2006

OFFICE OF PETITIONS

In re Application of :
Sierra et al. :
Application No. 09/544,507 : ON PETITION
Filed: April 6, 2000 :
Attorney Docket No. MS1-486US :

This is a decision on the petition under 37 CFR 1.137(a), filed July 12, 2005, 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 is **granted.**

The above-identified application was deemed abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the Office action mailed November 3, 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 was deemed abandoned as of midnight on February 3, 2005.

Petitioner contends and has established non-receipt of the final Office action.

The Notice of Abandonment is hereby vacated and the holding of abandonment 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 petition fee of $500 will be credited to petitioner's deposit account.

The examiner will be informed the holding of abandonment has been withdrawn. The Office notes a Notice of Appeal was filed on January 21, 2006. **The two month period of time to file an appeal brief will begin on the mailing date of the instant decision.**

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

APR 27 2004

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE WA 98104-7092

In re Application of	:
Ralf M. Luche et al	:
Serial No.: 09/544,517	: PETITION DECISION
Filed: April 6, 2000	:
Attorney Docket No.: 200125.410	:

This is in response to the petition under 37 CFR 1.181, filed August 25, 2003, for withdrawal of abandonment of the above identified application based on a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due and a Notice of Allowability to applicants on December 31, 2002, setting a three month shortened statutory period for payment of the Issue Fee. The Issue Fee was paid on March 28, 2003. On March 12, 2003, the examiner mailed a supplemental Notice of Allowability to applicants requiring submission of new formal drawings and setting a three month statutory period for submission thereof. Applicants filed new drawings on May 7, 2003, which were acceptable. However, it was discovered that the specification referred to Figures 4A ad 4B and these figures were not submitted. Publications Division mailed a Notice of Drawing Inconsistency to applicants on May 22, 2003, identifying the inconsistency and requiring applicants to correct the inconsistency within ONE MONTH, no extension of time being permitted. Upon failure to receive a reply the Office mailed a Notice of Abandonment to applicants on July 24, 2003. Applicants state that revised formal drawings showing Figures 4A and 4B were filed June 9, 2003, and provide a copy of the submission. The original submission has not been found. 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 to the Publications Division for printing as a patent.

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.

Bruce M. Kisliuk
Director, Technology Center 1600

SJR

UNITED STATES 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 0 7 2004
PATENT & TRADEMARK OFFICE

APR 27 2004

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE WA 98104-7092

RECEIVED
APR 3 0 2004
Seed Intellectual Property
Law Group PLLC

In re Application of	:	
Ralf M. Luche et al	:	
Serial No.: 09/544,517	:	PETITION DECISION
Filed: April 6, 2000	:	
Attorney Docket No.: 200125.410	:	

This is in response to the petition under 37 CFR 1.181, filed August 25, 2003, for withdrawal of abandonment of the above identified application based on a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed a Notice of Allowance and Issue Fee Due and a Notice of Allowability to applicants on December 31, 2002, setting a three month shortened statutory period for payment of the Issue Fee. The Issue Fee was paid on March 28, 2003. On March 12, 2003, the examiner mailed a supplemental Notice of Allowability to applicants requiring submission of new formal drawings and setting a three month statutory period for submission thereof. Applicants filed new drawings on May 7, 2003, which were acceptable. However, it was discovered that the specification referred to Figures 4A ad 4B and these figures were not submitted. Publications Division mailed a Notice of Drawing Inconsistency to applicants on May 22, 2003, identifying the inconsistency and requiring applicants to correct the inconsistency within ONE MONTH, no extension of time being permitted. Upon failure to receive a reply the Office mailed a Notice of Abandonment to applicants on July 24, 2003. Applicants state that revised formal drawings showing Figures 4A and 4B were filed June 9, 2003, and provide a copy of the submission. The original submission has not been found. 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 to the Publications Division for printing as a patent.

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.

Bruce M. Kisliuk
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/544,543	04/06/2000	Koichiro Yokoyama	Q58782	7511

7590 01/17/2006

Sughrue Mion Zinn Macpeak & Seas PLLC
2100 Pennsylvania Avenue NW
Washington, DC 20037-3202

EXAMINER
TRAN, LY T

ART UNIT	PAPER NUMBER
2853	

DATE MAILED: 01/17/2006

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

Paper No. 20060113

Appl No.: 09/544,543
Applicant: Kodama et al
Filed: April 6th, 2000

DECISION ON PETITION UNDER *37 CFR 1.148b* **on Correction of Inventorship**

This is a decision on the "Petition under 37 CFR 1.48b" filed June 23rd, 2005 to remove the following inventors: Hidetoshi KODAMA, Kiyoto KOMURO and Takuya YASUE.

The petition is GRANTED.

The inventive entity is therefore: Koichiro YOKOYAMA and Takashi AKAHANE.

The application is being forwarded to the publications for further action.

Stephen D. Meier
Supervisory Patent Examiner,
Art Unit 2853

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11/14/06

09/544,662

TO SPE OF : ART UNIT 2633

SUBJECT : Request for Certificate of Correction on Patent No.: 6922530

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.

Valerie Jackson

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 114

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: [signature]

Art Unit: 2613

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

Patent No.: 6,922,530 B1
Dated: July 26, 2005
Inventor(s): Kauffeldt, et al.

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

Column 10, Line 35, after "and" insert -- second --.
Column 13, Line 27, after "and" insert -- second --.

Mailing Address of Sender:
Baker Botts L.L.P.
2001 Ross Avenue, Suite 600
Dallas, Texas 75201-2980

Patent No. 6,922,530 B1

Form PTO-1050

per channel, whereas the system **10** of FIG. **1** uses one regenerator **59** and two transponders **57** and **84** per channel.

The operation of the system **110** shown in FIG. **4** is similar to the operation described above for the system **10** of FIG. **1**. Accordingly, a separate detailed explanation of the operation of the system **110** is believed to be unnecessary. The system **110** would respond to a break at **191** in the transmission line **127** in a manner comparable to that described above for the break **91** in the transmission line **27** of the system **10** of FIG. **1**.

The present invention has a number of technical advantages. One such technical advantage is the provision, at an optical level, of protection capability for optical signals, which facilitates an increase in reliability for optical transmissions. A related technical advantage is that this is provided in the context of an optical add/drop multiplexer.

Yet another technical advantage is that capability is provided for optically switching between working and protected paths on a wavelength-by-wavelength basis, rather than switching an entire WDM signal. This in turn permits a system operator to selectively specify that traffic on certain wavelengths of the protected path is non-preemptable unprotected traffic (NUT), while permitting traffic on other wavelengths of the protection path to be selectively preempted. Still another advantage is that, in one disclosed embodiment, only one regenerator and one transponder are needed for each wavelength or channel in a given optical add/drop multiplexer. Another technical advantage is the provision of an embodiment in which add terminals and drop terminals of a multiplexer are coupled to optical switching units that also implement protection switching, thereby avoiding the need to provide separate optical couplers and optical filters to implement adding and dropping of signals, which in turn reduces the overall hardware in the add/drop multiplexer, and thus its cost.

Although certain selected embodiments have been illustrated and described in detail, it will be recognized that various substitutions and alterations can be made therein without departing from the scope of the present invention. For example, it will be recognized that certain components and configurations of components have been used in the disclosed embodiments in order to realize certain functions, but that other components and/or configurations of components could be used to achieve these same functions. It will also be recognized that direct connections disclosed herein could be altered, such that two disclosed components would be coupled to one another through an intermediate component or components, without being directly connected, while still realizing the present invention. Other substitutions and alterations are also possible without departing from the spirit and scope of the present invention, as defined by the following claims.

What is claimed is:

1. An apparatus, comprising a multiplexing unit which includes:

an optical input terminal to which can be applied an optical input signal that includes a plurality of optical component signals which are different;

an optical output terminal at which said multiplexing unit produces an optical output signal;

a plurality of protection input terminals;

a plurality of protection output terminals;

a demultiplexer having an input coupled to said optical input terminal, and having a plurality of outputs, said demultiplexer being operable to optically isolate the component signals of the input signal, and to optically supply each of the isolated component signals to a respective one of said outputs thereof;

a plurality of switching units each having first and second inputs and first and second outputs, each said switching unit being capable of optically coupling said first output thereof to a selected one of said first and second inputs thereof, and being capable of optically coupling said second output thereof to a selected one of said first and second inputs thereof, wherein said outputs of said demultiplexer are each coupled to said first input of a respective said switching unit, said protection input terminals are each coupled to said second input of a respective said switching unit, and said protection output terminals are each coupled to said second output of a respective said switching unit;

a multiplexer having an output coupled to said optical output terminal, and having a plurality of inputs which are each coupled to said first output of a respective said switching unit, said multiplexer being operable to optically multiplex onto said output respective optical component signals present at each of said inputs thereof;

an optical drop coupler coupled between said optical input terminal and said demultiplexer, said optical drop coupler being operable to forward a first copy of said input signal to said demultiplexer and to drop a second copy of said input signal; and

one or more drop terminals each operable to receive a respective one of said optical component signals included in said second copy of said optical signal dropped by said optical drop coupler.

2. An apparatus according to claim **1**, wherein each said switching unit includes a first optical switch having first and second inputs respectively coupled to said first and second inputs of the switching unit, and having first and second outputs respectively coupled to said first and second outputs of the switching unit.

3. An apparatus according to claim **1**, wherein each said switching unit includes a third output, and is capable of optically coupling said third output to a selected one of said first and second inputs.

4. An apparatus according to claim **3**, wherein each said switching unit includes:

a first optical switch having first and second inputs respectively coupled to said first and second inputs of the switching unit, having a first output coupled to said first output of the switching unit, and having a second output; and

a second optical switch having an input coupled to said second output of said first optical switch, and having first and second outputs which are respectively coupled to said second and third outputs of the switching unit.

5. An apparatus according to claim **1**, wherein said multiplexing unit further includes one or more optical filters each operable to extract from said second copy of said input signal and supply to a respective drop terminal a respective one of said component signals of said second copy of said input signal.

6. An apparatus, comprising a multiplexing unit which includes:

an optical input terminal to which can be applied an optical input signal that includes a plurality of optical component signals which are different;

an optical output terminal at which said multiplexing unit produces an optical output signal;

a plurality of protection input terminals;

a plurality of protection output terminals;

a further terminal;

demultiplexer are each coupled to said first input of a respective said switching unit, said protection input terminals are each coupled to said second input of a respective said switching unit, and said protection output terminals are each coupled to said second output of a respective said switching unit;

a multiplexer having an output coupled to said optical output terminal, and having a plurality of inputs which are each coupled to said first output of a respective said switching unit, said multiplexer being operable to optically multiplex onto said output respective optical component signals present at each of said inputs thereof;

an optical add coupler coupled between said multiplexer and said optical output terminal; and

one or more add terminals each coupled to said optical add coupler;

wherein said optical add coupler is operable to optically combine optical signals from said output of said multiplexer and from said add terminals in order to obtain said optical output signal for said optical output terminal.

9. An apparatus according to claim **8**, wherein each said switching unit includes a first optical switch having first and second inputs respectively coupled to said first and second inputs of the switching unit, and having first and second outputs respectively coupled to said first and outputs of the switching unit.

10. An apparatus according to claim **8**, wherein each said switching unit includes a third output, and is capable of optically coupling said third output to a selected one of said first and second inputs.

11. An apparatus according to claim **10**, wherein each said switching unit includes:

a first optical switch having first and second inputs respectively coupled to said first and second inputs of the switching unit, having a first output coupled to said first output of the switching unit, and having a second output; and

a second optical switch having an input coupled to said second output of said first optical switch, and having first and second outputs which are respectively coupled to said second and third outputs of the switching unit.

12. An apparatus according to claim **8**, wherein said multiplexing unit includes:

an optical drop coupler coupled between said optical input terminal and said demultiplexer, said optical drop coupler being operable to forward a first copy of said input signal to said demultiplexer and to drop a second copy of said input signal; and

one or more drop terminals each operable to receive a respective one of said optical component signals included in said second copy of said optical signal dropped by said optical drop coupler.

13. An apparatus, comprising first and second multiplexing units which each include:

an optical input terminal to which can be applied a respective optical input signal that includes a plurality of optical component signals which are different;

an optical output terminal at which said multiplexing unit produces an optical output signal;

a plurality of protection input terminals;

a plurality of protection output terminals;

a demultiplexer having an input coupled to said optical input terminal, and having a plurality of outputs, said demultiplexer being operable to optically isolate the component signals of the input signal, and to optically supply each of the isolated component signals to a respective one of said outputs thereof;

a plurality of switching units each having first and second inputs and first and second outputs, each said switching unit being capable of optically coupling said first output thereof to a selected one of said first and second inputs thereof, and being capable of optically coupling said second output thereof to a selected one of said first and second inputs thereof, wherein said outputs of said demultiplexer are each coupled to said first input of a respective said switching unit, said protection input terminals are each coupled to said second input of a respective said switching unit, and said protection output terminals are each coupled to said second output of a respective said switching unit;

a multiplexer having an output coupled to said optical output terminal, and having a plurality of inputs which are each coupled to said first output of a respective said switching unit, said multiplexer being operable to optically multiplex onto said output respective optical component signals present at each of said inputs thereof;

an optical add coupler coupled between said multiplexer and said optical output terminal; and

one or more add terminals each coupled to said optical add coupler;

wherein said optical add coupler is operable to optically combine optical signals from said output of said multiplexer and from said add terminals in order to obtain said optical output signal for said optical output terminal;

wherein said protection output terminals of said first multiplexing unit are each coupled to a respective said protection input terminal of said second multiplexing unit, and said protection output terminals of said second multiplexing unit are each coupled to a respective said protection input terminal of said first multiplexing unit.

* * * * *

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 10

PARK, VAUGHAN & FLEMING LLP
508 SECOND STREET
SUITE 201
DAVIS, CA 95616

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DEC 0 1 2004

OFFICE OF PETITIONS

In re Application of

Vipin Samar

Application No. 09/544,709

Filed: April 6, 2000

Attorney Docket No. OR99-17501

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed October 4, 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 non-final Office action mailed December 31, 2003, which set a shortened statutory period for reply of three (3) months. No response was received within the allowed period. Accordingly, the application became abandoned on April 1, 2004. A Notice of Abandonment was mailed on October 17, 2004

The amendment filed October 4, 2004, is noted and made of record.

The application is being forwarded to Technology Center 2100 for further processing.

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
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Paper No. 24

Davis Wright Tremaine, LLP
2600 Century Square
1501 Fourth Avenue
Seattle, WA 98101-1688

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OCT 2 3 2003

OFFICE OF PETITIONS

In re Application of :
Dong Wei et al. :
Application No. 09/544,776 :
Filed: April 7, 2000 :
Attorney Docket No. 59516-219/PP-01561.003 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) filed July 29, 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 March 29, 2002 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 May 30, 2002. See MPEP 1215.04.

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 extension of time submitted with the petition on July 29, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being forwarded to Technology Center AU 1635 for processing the Request for Continued Examination pursuant to 37 CFR 1.114 filed with the instant petition.

Telephone inquiries regarding 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

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Paper No. 13

IPSOLON LLP
805 SW BROADWAY, #2740
PORTLAND, OR 97205

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MAR 1 2 2004

OFFICE OF PETITIONS

In re Application of
Levitan et al.
Application No. 09/544,799
Filed: April 7, 2000
Attorney Docket No. 1026-017/MMM

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 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 restriction requirement mailed April 23, 2003, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on May 24, 2003. A Notice of Abandonment was mailed November 3, 2003.

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 2800 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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COOK ALEX MCFARRON MANZO CUMMINGS & MEHLER
200 WEST ADAMS STREET, SUITE 2850
CHICAGO IL 60606

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JAN 29 2008

OFFICE OF PETITIONS

In re Application of	:	
Shunpei Yamazaki et al	:	
Application No. 09/544,801	:	DECISION GRANTING PETITION
Filed: April 7, 2000	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SEL 174	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 28, 2008, 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 9, 2008 cannot be refunded. If, however, this 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.

This application is being referred to Technology Center AU 2826 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy

Karen Creasy
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 Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment of the application.*

UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 24 2003

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JUL 11 2003

OFFICE OF PETITIONS

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
P.O. BOX 2938
MINNEAPOLIS MN 55402

In re Application of
Curt D. Propson et al
Application No. 09/544,836
Filed: April 6, 2000
Attorney Docket No. 1242.003US1

ON PETITION

This is a decision on the petition, filed by facsimile transmission on July 9, 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 20, 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 3729 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

Schwegman, Lundberg
Woessner & Kluth, P.A.
JUL 21 2003
CMG RECEIVED

[1] The request to apply the issue fee to the new Notice may be submitted 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).

PORTFOLIO I.P.
JUL 17 2003
RECEIVED

OIPE JC66
NOV 24 2003
PATENT & TRADEMARK OFFICE

S/N 09/544,836 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Curt D. Propson et al.	Examiner:	Carl J. Arbes
Serial No.:	09/544,836	Group Art Unit:	3729
Filed:	April 6, 2000	Docket No.:	1242.003US1
Title	CABLE MANAGEMENT SYSTEM		

REQUEST TO APPLY PREVIOUS PAID ISSUE FEE

Commissioner for Patents
ATTN: MAIL STOP ISSUE FEE
P.O. Box 1450
Alexandria, VA 22313-1450

An issue fee for the above-identified application was previously paid on June 17, 2003. A petition under 37 CFR 1.313(c)(2) to withdrawal the above-identified application from issue after payment of the issue fee was previously filed on July 9, 2003. Applicant received a decision, dated July 11, 2003, granting the petition to withdraw.

Applicant respectfully requests that the above-identified previously-paid issue fee be applied towards the fee required by the new Notice of Allowance dated August 18, 2003.

The present issue fee has increased from the previously-paid issue fee. Transmitted herewith is a check in the amount of $5.00 to cover the issue fee increase.

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NOV 2 4 2003
PATENT & TRADEMARK OFFICE

Please charge any additional required fees for the Issued Fee Payment or credit overpayment to Deposit Account No. 19-0743.

This request is being submitted with the new Issue Fee Transmittal Form PTOL-85, along with a copy of the above-identified decision granting the petition to withdraw.

Respectfully submitted,

By their Representatives,
SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.
P.O. Box 2938
Minneapolis, MN 55402
(612) 373-6965

Date 11/17/2003

By

Bradley A. Forrest
Reg. No. 30,837
BAF:CMG:gba

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner for Patents, Attn – MAIL STOP ISSUE FEE, P.O.Box 1450, Alexandria, VA 22313-1450, on this 18th day of November, 2003.

Gulim Abilova
Name

Gulim Abilova
Signature

UNITED STATES 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. 6257502
Issue Date: July 10,2001
Application No. 09544870
Filed: April 7,2000
Attorney Docket No. 10332

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

This is a decision on the electronic petition, filed October 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 October 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)
6257502	2001-07-10	09544870	2000-04-07	10332

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	/ken dallara/	Date (YYYY-MM-DD)	2009-10-01
Name	KEN DALLARA	Registration Number	51118

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)
6,601,170	2003-07-29	09/545,009	2000-04-07	94234

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)	2009-04-29
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 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. 6601170
Issue Date: July 29,2003
Application No. 09545009
Filed: April 7,2000
Attorney Docket No. 94234

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

This is a decision on the electronic petition, filed April 29,2009 ,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 April 29,2009 .
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

Date : November 16, 2006

Patent No. :7,065,632
Inventor(s) : Gerard M. Col et al.
Issued :June 20, 2006
Docket No. :CNTR.1568

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 37 CFR 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 Fee(s) Transmittal Form PTOL-85B. After payment of the issue fee, correction of assignment data submitted on the PTOL-85B can only be done by Certificate of Correction under 37 CFR 1.323, with a request under 37 CFR 3.81(b).

A request for a patent to be corrected to state the name of the assignee must:

A. state that the assignment was submitted for recordation as set forth in 37 CFR 3.11 before issuance of the patent;
B. include a request for a certificate of correction under 37 CFR 1.323 along with the fee set forth in 37 CFR 1.20(a); and
C. include the processing fee set forth in 37 CFR 1.17(i).

If the request is granted, Certificates of Correction Branch will be notified that a Certificate of Correction may be issued.

See Manual of Patent Examining Procedure, Section 1481.01 (Rev. 3) (Oct. 2005).

Applicant has not included items A and or C above, accordingly, the request for Certificate of Correction to add or change the assignee data is dismissed.

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: 571-273-8300
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.

Any inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9380 ext. 123

E. Alan Davis
5828 Van Winkle Lane
Austin, TX 78739

CBN/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

Date Mailed : November 16, 2006

Patent No. :7,065,632
Inventor : Gerard M. Col et al.
Patent Issued :June 20, 2006
Docket No. :CNTR.1568
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 1.322.

Respecting the alleged error(s) in the Attorney, Agent, or Firm, since the Attorney, Agent, or Firm is printed *solely* in accordance with the PTOL-85b (Issue Fee Transmittal), submitted at time of payment of the base issue fee, no correction is in order here under the provisions of Rules 1.322.

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

Any petition under 37 CFR 1.182 should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail: 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

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9381 Ext. 123

E.Alan Davis
5828 Van Winkle Lane
Austin, TX 78739

CBN/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

COPY MAILED

MAR 29 2007

OFFICE OF PETITIONS

HUFFMAN LAW GROUP, P.C.
1900 MESA AVENUE
COLORADO SPRINGS, CO 80906

In re Patent No. 7,065,632 :
Issue Date: June 20, 2006 :
Application No. 09/545,040 : ON PETITION
Filed: April 7, 2000 :
Attorney Docket No. CNTR.1568 :

This is a decision on the petition filed November 21, 2006, under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is granted.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

[1]See Official Gazette of June 22, 2004

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)
6856989	2005-02-15	09545045	2000-04-07	M-8327 US (ARC-P115)

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 C Hsia/	Date (YYYY-MM-DD)	2009-04-17
Name	David C. Hsia	Registration Number	46235

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. 6856989
Issue Date: February 15,2005
Application No. 09545045
Filed: April 7,2000
Attorney Docket No. M-8327-US

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

This is a decision on the electronic petition, filed April 17,2009 ,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 April 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 AND TRADEMARK OFFICE

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

Paper No. 4

Charles G. Heisinger
1328 Washington Street
Evanston, Illinois 60202

OCT 31 2000

In re Application of: Charles G. Heisinger, Jr.	)	
Application No. 09/545,088	)	
Filed: April 7, 2000	)	
For: METHOD AND SYSTEM FOR	)	DECISION ON PETITION
TELEPHONICALLY SELECTING,	)	
ADDRESSING & DISTRIBUTING	)	
MESSAGES	)	

This is a decision on the petition, filed September 21, 2000 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(VIII): Accelerated Examination, to make the above-identified application special.

M.P.E.P. §708.02, Section VIII which sets out the prerequisites for a grantable petition for Accelerated Examination under 37 C.F.R. §1.102(d) states in relevant part:

A new application (one which has not received any examination by the examiner) may be granted special status provided that applicant (and this term includes applicant's attorney or agent) complies with each of the following items:

(a) Submits a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i);

(b) Presents all claims directed to a single invention, or if the Office determines that all the claims presented are not obviously directed to a single invention, will make an election without traverse as a prerequisite to the grant of special status.

(c) Submits a statement(s) that a pre - examination search was made, ***listing the field of search*** by class and subclass, publication, Chemical Abstracts, foreign patents, etc. A search made by a foreign patent office satisfies this requirement;

(d) Submits one copy each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record; and

(e) ***Submits a detailed discussion*** of the references, which discussion points out, with the particularity required by 37 CFR 1.111(b) and (c), how the claimed subject matter is patentable over the references.

> In those instances where the request for this special status does not meet all the prerequisites set forth above, ***applicant will be notified and the defects in the request will be stated***. The application will remain in the status of a new application awaiting action in its regular turn. In those instances where a request is defective in one or more respects, applicant will be given one opportunity to perfect the request in a renewed petition to make special. If perfected, the request will then be granted. If not perfected in the first renewed petition, any additional renewed petitions to make special may or may not be considered at the discretion of the Group Special Program Examiner.

Applicant's submission is deficient in that it does not comply with (b), (c), and (e) above. That is, it does not indicate that Applicant will make an election without traverse if the Office determines that all claims are not obviously directed to a single invention, it does not contain a statement listing the field of search, and it does not contain a detailed discussion of the references as required by section (e) above. Note that the discussion must point out how the claimed subject mater is patentable over the references.

Accordingly, the Petition is **DENIED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.

Pinchus M. Laufer

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 1/25/2010

TO SPE OF : ART UNIT 2162 John Breene (Spe)

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/545088 Patent No.: 7430554

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

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**.

FOR PAPER FILES:

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)
Randolph Square – 9D10-A
Palm Location 7580

H. Riley
Certificates of Correction Branch
703-756-1571 _____

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: _____

Approved.

/John E Breene/ — **SPE**

2162 — **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. 13

KILPATRICK STOCKTON LLP
ATTN: JEFFERY B. ARNOLD
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309-4530

COPY MAILED
FEB 26 2002
OFFICE OF PETITIONS

In re Application of
Robert D'Amato
Application No. 09/545,139
Filed: April 7, 2000
Attorney Docket No. 05213-0650

ON PETITION

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 25, 2002 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 January 2, 2002, with a Certificate of Mailing dated November 20, 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 1600 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.**

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

KILPATRICK STOCKTON LLP
ATTN: JEFFERY B. ARNOLD
1100 PEACHTREE STREET
SUITE 2800
ATLANTA GA 30309-4530

COPY MAILED
FEB 26 2002
OFFICE OF PETITIONS

In re Application of	:	
Robert D'Amato	:	
Application No. 09/545,139	:	ON PETITION
Filed: April 7, 2000	:	
Attorney Docket No. 05213-0650	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 25, 2002 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 January 2, 2002, with a Certificate of Mailing dated November 20, 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 1600 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.**

Sector #3
$

OIPE JC135
JUL 17 2000
PATENT & TRADEMARK OFFICE

PATENT
Attorney Docket No. EXT-026

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT(S):	Lapidus and Shuber		
SERIAL NO.:	09/545,162	GROUP NO.:	1743
FILING DATE:	4/7/00	EXAMINER:	Not yet assigned
TITLE:	Methods for Detecting Nucleic Acids Indicative of Cancer		

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 C.F.R. 1.8

I hereby certify that this correspondence, and any document(s) referred to as enclosed herein, is/are being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to the Assistant Commissioner for Patents, Washington, DC 20231 on this 11th day of July, 2000.

Wendy Martin
Wendy Martin

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith are: Fee Transmittal (1 pg.) Response to Notice to File Missing Parts (1 pg.); Executed Declaration/Power of Attorney (3 pgs.); Copy of Notice to File Missing Parts (1 pg.); Check in the amount of $65.00; Return Postcard.

1030932

#3

FEE TRANSMITTAL

Note: Effective January 10, 2000. Patent fees are subject to annual revision

OIPE JC13 JUL 17 2000 PATENT & TRADEMARK OFFICE

	Complete if Known
Application Serial Number	09/545,162
Filing Date	4/7/00
First Named Inventor	Lapidus
Group Art Unit	1743
Examiner Name	Not yet assigned
Attorney Docket No.	EXT-026

METHOD OF PAYMENT

1. ☒ Payment Enclosed:
   ☒ Check ☐ Money Order ☐ Other

2. ☒ The Commissioner is hereby authorized to credit or charge any fee indicated below to Deposit Account No. 20-0531.
   - ☐ Required Fees (copy of this sheet enclosed).
   - ☒ Additional fee required under 37 CFR 1.16 and 1.17.
   - ☒ Overpayment Credit.

FEE CALCULATION

1. FILING FEE

Large Entity Fee ($)	Fee Description	Fee Paid
690	Utility filing fee	
310	Design filing fee	
150	Provisional filing fee	

	Number Filed	Number Extra	Rate	Amount
Total Claims		- 20 =	x $ 18.00 =	
Independent Claims		- 3 =	x $ 78.00 =	
☐ Multiple Dependent Claim(s), if any			$260.00 =	

TOTAL:
SMALL ENTITY DISCOUNT:
SUBTOTAL (1) ($)

2. AMENDMENT CLAIM FEES

	Claims Remaining After Amend.	Highest No. Previously Paid For	Present Extra	Rate	Fee Paid
Total		-	=	x $ 18.00 =	
Indep.		-	=	x $ 78.00 =	
☐ First Presentation of Multiple Dep. Claim				+ $260.00 =	

TOTAL: ($)
SMALL ENTITY DISCOUNT: ($)
SUBTOTAL (2) ($)

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity Fee ($)	Small Entity Fee ($)	Fee Description	Fee Paid
130	65	Surcharge - late filing fee or oath	65.00
50	25	Surcharge - late provisional filing fee or	
130	130	Non-English specification	
2,520	2,520	For filing a request for reexamination	
110	55	Extension for reply within first month	
380	190	Extension for reply within second month	
870	435	Extension for reply within third month	
1,360	680	Extension for reply within fourth month	
1,850	925	Extension for reply within fifth month	
300	150	Notice of Appeal	
300	150	Filing a brief in support of an appeal	
260	130	Request for oral hearing	
130	130	Petitions to the Commissioner	
50	50	Petitions related to provisional applications	
240	240	Submission of Information Disclosure Statement (37 CFR 1.97(c))	
130	130	Submission of Information Disclosure Statement (37 CFR 1.97(d))	
690	345	Filing a submission after final rejection (37 CFR 1.129(a))	
690	345	For each additional invention to be examined (37 CFR 1.129(b))	
		Other (Specify)	

SUBTOTAL (3) ($) 65.00

SUBTOTAL (1)	0.00
SUBTOTAL (2)	0.00
SUBTOTAL (3)	65.00
TOTAL	($) 65.00

CORRESPONDENCE ADDRESS

Direct all correspondence to:
Patent Administrator
Testa, Hurwitz & Thibeault, LLP
High Street Tower-125 High Street
Boston, MA 02110
Tel. No.: (617) 248-7000
Fax No.: (617) 248-7100

SIGNATURE BLOCK

Respectfully submitted,

Date:
Reg. No.: 36,989
Tel. No.: 617-248-7013
Fax No.: (617) 248-7100

Thomas C. Meyers
Attorney for the Applicants
Testa, Hurwitz & Thibeault, LLP
High Street Tower-125 High Street
Boston, MA 02110

1030921-1

#3

OIPE JC135
JUL 17 2000
PATENT & TRADEMARK OFFICE

PATENT
Attorney Docket No. EXT-026
(2457/2)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS:	Lapidus and Shuber		
SERIAL NO.:	09/545,162	GROUP NO.:	1743
FILING DATE:	4/7/00	EXAMINER:	Not Yet Assigned
TITLE:	Methods for Detecting Nucleic Acids Indicative of Cancer		

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: Box Missing Parts

Sir:

RESPONSE TO NOTICE TO FILE MISSING PARTS

In response to the Notice to File Missing Parts dated May 12, 2000, enclosed is the executed Declaration/Power of Attorney for filing in the application identified above. Also enclosed is a check in the amount of $65.00 in payment of the surcharge for a small entity.

Please charge Deposit Account No. 20-0531 for any additional fees that may be due in this matter.

Respectfully submitted,

Date:
Reg. No. 36,989

Thomas C. Meyers
Attorney for Applicants
Testa, Hurwitz, & Thibeault
High Street Tower
125 High Street
Boston, Massachusetts 02110

Tel. No. (617) 248-7013
Fax: (617) 248-7100

1030942

#3

OIPE JC135
JUL 17 2000
PATENT & TRADEMARK OFFICE

FORMALITIES LETTER

OC000000005112507

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/545,162	04/07/2000	STANLEY N. LAPIDUS	EXT-026

21323
TESTA HURWITZ & THIBEAULT
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MA 02110

Date Mailed: 05/12/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of $65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is $ 65.**

A copy of this notice MUST be returned with the reply.

K. Nelson
Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/18/2000 BHABTEW 00000097 09545162
01 FC:205 65.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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JENNIFER GRANT MOITOSO
TESTA HURWITZ & THIBEAULT, LLP
HIGH STREET TOWER
125 HIGH STREET
BOSTON, MASSACHUSETTS 02110

COPY MAILED

DEC 0 4 2003

OFFICE OF PETITIONS

In re Application	:	
Anthony P. Shuber	:	
Application No. 09/545,162	:	LETTER
Filed: April 7, 2000	:	
Attorney Docket No. EXT-026	:	

This is in response to the paper filed November 12, 2003, which is being treated as a petition under 37 CFR 1.28(b) requesting that status as a Small Entity be removed.

In accordance with the November 12, 2003 request, status as a Small Entity has been removed.

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

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the Customer Window located at:

2011 South Clark Place
Crystal Plaza Two, Lobby
Arlington, VA 22202

The centralized facsimile number is **(703) 872-9306.**

This file is being forwarded to Technology Center AU 1634.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy
(703) 306-5684

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Foley and Lardner
3000 K Street, N. W.
Suite 500
Washington, DC 20007

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AUG 1 5 2005

OFFICE OF PETITIONS

In re Application of :
Shojiro Miyake, et al. :
Application No. 09/545,181 :
Filed: April 7, 2000 :
Attorney Docket No. 0406679/1047 :

This is a decision on the petition, filed, March 29, 2005, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee's name on the Fee(s) Transmittal form PTOL-85(b) by way of a certificate of correction in the patent to be issued from the above-identified application.

The request is **GRANTED**.

Petitioner states that the second assignee's name was unintentionally not included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee. Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

37 CFR 3.81(b), effective June 25, 2004, reads:

> *After payment of the issue fee:* 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.

[1] *See* Official Gazette of June 22, 2004

A request for a certificate of correction (and fee) as required by 3.81(b) was previously filed on January 19, 2005. Further, Office assignment records reflect that "Shojiro Miyake" is the second assignee of record. Accordingly, as the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed after issuance of this application into a patent.

Inquiries concerning this decision should be directed to the undersigned at (571) 272-3223. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

Marianne E. Jenkins

Marianne E. Jenkins
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

Mailed

APR 02 2001

Technology Center 2100

Paper No. 3

Lyon & Lyon LLP
Suite 4700
633 West Fifth Street
Los Angeles, California 90071-2066

In re Application of: Brian Dale Ross et al. Application No. 09/545,316 Filed: April 7, 2000 For: SYSTEM AND METHOD FOR FACILITATING THE PRE-PUBLICATION PEER REVIEW PROCESS	)))))))	**DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P. §708.02(II): INFRINGEMENT**

This is a decision on the petition, filed March 12, 2001, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

A grantable petition under 37 C.F.R. §1.102(d), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R.§1.117(i) and a statement under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed: and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. Applicant ***must provide*** one copy of each of the ***references deemed most closely related*** to the subject matter encompassed by the claims.

Applicant's submission is deficient because no references have been submitted. Accordingly, the Petition is **DENIED**. The application file is being forwarded to Central Files to await examination in its proper turn based on its effective filing date.

Any request for reconsideration must be filed within two months of the mailing date of this decision.

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. 6

Lyon & Lyon LLP
Suite 4700
633 West Fifth Street
Los Angeles, California 90071-2066

JUN 11 2001

In re Application of: Brian Dale Ross et al.	)	**DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P. §708.02(II): INFRINGEMENT**
Application No. 09/545,316	)	
Filed: April 7, 2000	)	
For: SYSTEM AND METHOD FOR FACILITATING THE PRE-PUBLICATION PEER REVIEW PROCESS	)	

This is a decision on the request for reconsideration filed May 29, 2001 of the decision mailed on April 2, 2001 denying the petition, filed March 12, 2001, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

A grantable petition under 37 C.F.R. §1.102(d), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R.§1.117(i) and a statement under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed: and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims.

Applicant's submission of corrects the deficiency noted in the original decision. Accordingly, the Petition is **GRANTED**. The application file is being forwarded to the Examiner of Record for expedited examination.

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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DEC 2 2 2004

OFFICE OF PETITIONS

JONES DAY
555 WEST FIFTH STREET, SUITE 4600
LOS ANGELES, CA 90013-1025

In re Application of :
Michel F. Levesque, et al. :
Application No. 09/545,428 :
Filed: April 7, 2000 :
Attorney Docket No. CEDAR-044526 :

ON PETITION

This is a decision on the petition, filed October 12, 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 February 13, 2004. A Notice of Abandonment was mailed on October 4, 2004.

The petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, 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 1635 for consideration of the amendment filed October 12, 2004.

Sherry D. Brinkley
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

JUL -2 2002

Paper No. 9

In re Application of Motocihi Watanuki :
Application No. 09/545,429 : DECISION GRANTING PETITION
Filed: April 7, 2000 : TO RESET PERIOD FOR REPLY
Attorney Docket No. 2309.63810 :

This is a decision on the petition filed on May 17, 2002, requesting that the shortened statutory period for reply set forth in the Office communication mailed on December 16, 2001 be reset to run from May 6, 2002, the date upon 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 May 6, 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 December 16, 2001 is hereby reset to run ONE MONTH from May 6, 2002, the date of receipt of the Office letter.

It is noted that a reply to the Office letter in question was filed on June 6, 2002, together with a petition for an extension of time and the fee for the extension. This reply was filed with a petition for extension of time in order to preclude abandonment of the application, pending a decision on the instant petition. In view of the disposition of the petition, the extension of time and fee are deemed to be unnecessary. This application will be forwarded to the Head Supervisory Applications Examiner for a refund of $1,960.00 credited to Deposit Account No. 07-2069. The application will thereafter be forwarded to the examiner for action on the reply filed on June 6, 2002.

PETITION GRANTED.

E. Rollins-Cross, Director
Technology Center 3700

Adjustment date: 07/17/2002 EBEMBRY
06/27/2002 GWOOTEN 00000002 072069 09545429
01 FC:218 1960.00 CR

Patrick G. Burns, ESQ.
Greer, Burns & Crain, LTD
300 S. Wacker Drive
Suite 2500
Chicago, IL 60606

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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PATRICK G. BURNS, ESQ
GREER BURNS & CRAIN LTD
300 S. WACKER DRIVE
SUITE 2500
CHICAGO, IL 60606

COPY MAILED

JUL 14 2005

OFFICE OF PETITIONS

In re Application of	:	
Motoichi Watanuki	:	
Application No. 09/545,429	:	ON PETITION
Filed: April 7, 2000	:	
Attorney Docket No. 2309-63810	:	

This is a decision on the petition under 37 CFR 1.137(b), filed May 19, 2005, to revive the above-identified application.

The application became abandoned for a failure to timely file an Appeal Brief within two months of the May 13, 2004 date of the Notice of Appeal. This decision precedes the mailing of a Notice of Abandonment. The Appeal Brief was filed on May 19, 2005.

The petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, the petition is **GRANTED.**

The application is being referred to Technology Center AU 3729.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries relating to the prosecution of the application should be referred 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 Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6845387
Issue Date: January 18,2005
Application No. 09545436
Filed: April 7,2000
Attorney Docket No. PTI-108

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

This is a decision on the electronic petition, filed March 9,2010 ,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 9,2010 .
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)
6845387	2005-01-18	09545436	2000-04-07	PTI-108

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	/Mark J. Spolyar/	Date (YYYY-MM-DD)	2010-03-09
Name	Mark J. Spolyar	Registration Number	42164

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

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Alexandria, VA 22313-1450
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MOTOROLA INC
600 NORTH US HIGHWAY 45
ROOM AS437
LIBERTYVILLE, IL 60048-5343

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JUN 0 2 2006

OFFICE OF PETITIONS

In re Application of

Albal, et al. :

Application No. 09/545,446

: DECISION ON PETITION

Filed: April 7, 2000

:

Attorney Docket No. CAS0027

This is a decision on the petition under 37 CFR 1.137(b), filed March 13, 2006, 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 non-final Office action mailed May 19, 2005, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on August 20, 2005. A Notice of Abandonment was mailed on November 30, 2005.

The amendment, filed March 13, 2006, is noted and made of record.

The application is being forwarded to Technology Center 2600, GAU 2642 for further processing.

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

In re Patent No. 6343723
Issue Date: February 5,2002
Application No. 09545585
Filed: April 7,2000
Attorney Docket No. D5670-00002

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

This is a decision on the electronic petition, filed June 9,2010 ,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 June 9,2010 .
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)
6343723	2002-02-05	09545585	2000-04-07	

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

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	/William R. Hickerson/	Date (YYYY-MM-DD)	2010-06-09
Name	William R. Hickerson		
Enter Reel and Frame Number		Remove	
Reel Number	010697	Frame Number	0308
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.

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OFFICE OF PETITIONS
A/C PATENTS

BAKER BOTTS L.L.P.
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004-2400

In re Application of :
Scott Moskowitz & Marc Cooperman :
Application No. 09/545,589 : DECISION REFUSING STATUS
Filed: April 7, 2000 : UNDER 37 CFR 1.47(a)
For: METHOD AND SYSTEM FOR DIGITAL :
WATERMARKING

This is in response to the "Petition Under 37 CFR 1.47(a)," filed August 15, 2000.

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 April 7, 2000 without an executed oath or declaration and naming Scott Moskowitz and Marc Cooperman as joint inventors.

Accordingly, on June 15, 2000, a "Notice to File Missing Parts of Application" was mailed, requiring an executed oath or declaration and a $65 surcharge fee for its late filing.

In response, on August 15, 2000, a declaration signed by joint inventor Moskowitz, and the instant petition with a declaration of facts by Floyd B. Chapman were filed. Petitioner implies that joint inventor Marc Cooperman refuses to sign the declaration.

A grantable petition under 37 CFR 1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor. Applicant lacks item (2) set forth above.

As to item (2), the declaration filed on August 15, 2000 lacks compliance with 37 CFR 1.63 in that it does not set forth Mr. Cooperman's post office address as indicated in the petition. Therefore, a proper oath or declaration setting forth the inventor's post office address 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 S. Clark Place
Arlington, VA

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

Frances Hicks

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 6

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DEC 0 6 2000

OFFICE OF PETITIONS
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BAKER BOTTS L.L.P.
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004-2400

In re Application of :
Scott Moskowitz & Marc Cooperman :
Application No. 09/545,589 :DECISION ACCORDING STATUS
Filed: April 7, 2000 :UNDER 37 CFR 1.47(a)
For: METHOD AND SYSTEM FOR DIGITAL :
WATERMARKING :

This is in response to the "Petition Under 37 CFR 1.47(a)," filed November 7, 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.

The petition is accompanied by a declaration bearing the current Post Office address of nonsigning inventor Cooperman. While the declaration is not executed by the remaining inventor, the declaration filed with the petition, taken in combination with the declaration filed August 15, 2000, will be accepted as complying with the provisions of 37 CFR 1.63 and 1.64.

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

This application is being forwarded to Initial Patent Examination for further 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

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OFFICE OF PETITIONS
A/C PATENTS

MARC COOPERMAN
251 E. 32ND STREET
SUITE 6D
NEW YORK, NY 10016-6304

In re Application of
Scott A. Moskowitz & Marc Cooperman
Application No. 09/545,589
Filed: April 7, 2000
For: METHOD AND SYSTEM FOR DIGITAL WATERMARKING

Dear Mr. Cooperman:

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

cc:
BAKER BOTTS L.L.P.
THE WARNER, SUITE 1300
1299 PENNSYLVANIA AVENUE, NW
WASHINGTON, DC 20004-2400

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APR 0 7 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Zenith Electronics Corporation
2000 Millbrook Drive
Lincolnshire, IL 60069

In re Application of
CITTA, RICHARD W., et al.
Application No. 09/545,597
Filed: April 7, 2000
For: **MULTIPATH GHOST ELIMINATING EQUALIZER WITH OPTIMUM NOISE ENHANCEMENT**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition for Withdrawal of Abandonment, filed October 27, 2004, requesting the holding of abandonment be withdrawn in the above-identified application.

This application was held abandoned for failure to timely respond to the Office action mailed December 18, 2003. A Notice of Abandonment was mailed October 4, 2004.

A review of the record indicates that a correspondence address change was filed prior to the Office action mailed December 18, 2003 but not matched with the file. A copy of the address change was filed with the petition. Included is a copy of a post card receipt evidencing an original receipt date of July 9, 2001. The Office action 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 petition is **GRANTED**.

Due to the time lapse between the original mailing of the Office action of December 18, 2003 and the mailing of this decision, the application file is being returned to the examiner for appropriate action including updating the search as necessary prior to the mailing of a new Office action.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

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Paper No. 6

Sterne Kessler Goldstein & Fox PLLC
Attorneys at Law
1100 New York Avenue NW
Suite 600
Washington, DC 2005-3934

MAIL

MAR 2 8 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Luke Hohmann et al.)
Application No. 09/545,608)
Filed: April 7, 2000) **DECISION ON REQUEST FOR**
For: INTELLECTUAL ASSET PROTOCOL) **WITHDRAWAL AS ATTORNEY**
FOR DEFINING DATA EXCHANGE)
RULES AND FORMATS FOR UNIVERSAL)
INTELLECTUAL ASSET DOCUMENTS,)
AND ...)

This is a decision on the Requests To Withdraw from Representation filed March 5, 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.

Pinchus M. Laufer

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

cc: Aurigin Systems
10710 North Tantau Avenue
Cupertino, California 95014-0717

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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LAW OFFICES OF JONATHAN A. BARNEY, ESQ.
312 SIGNAL ROAD
SUITE 200
NEWPORT BEACH CA 92663

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OFFICE OF PETITIONS

In re Application of	:	
Briggs et al.	:	
Application No. 09/545,658	:	ON PETITION
Filed: 10 April, 2000	:	
Att'y Docket No. BRIGGS.011CP1	:	

This is a decision on the petition under 1.137(b),[1] filed on 10 January, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on 28 November, 2003, for failure to timely reply to the non-final Office action mailed on 27 August, 2003, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in

---

[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 a nonprovisional 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 be the payment of the issue fee or any outstanding balance thereof. 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 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)).

accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 23 September, 2004.

On 3 March, 2004, petitioners filed an amendment and a three month extension of time request with a certificate of mailing date "04/27/04". As the certificate of mailing was dated subsequent to the date of receipt of the paper in the Office, the certificate of mailing was obviously dated in error and was not dated with the date the application was deposited with the U.S. Postal Service. As such, the amendment and extension of time request are considered filed on the date of receipt in the Office, and are untimely.

Petitioner has indicated that the previously-filed amendment is the required reply.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply.[2] The three-month extension request filed on 3 March, 2004, was submitted more than six (6) months after the mailing date of the Office action mailed on 27 August, 2003, and therefore is unnecessary. The extension of time fee paid on 3 March, 2004, will be credited to counsel's deposit account, No. 50-1746 as authorized in the extension of time request filed on 3 March, 2004.

The application file is being referred to Technology Center Art Unit 3714 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

---

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

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P.O. Box 1450
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Mailed Date - Oct 15, 2004

In re Application of	:
Rong-hao LI et al	:
Serial No.: 09/545,659	: PETITION DECISION
Filed: April 10, 2000	:
Attorney Docket No.: 415072000600	:

This is in response to applicants' petition filed November 4, 2004, requesting withdraw holding of abandonment under 37 CFR 1.181.

Applicant's petition and evidences, and file wrapper have been carefully reviewed. The response filed on October 13, 2004 is considered timely filed. Accordingly, the petition is granted.

The application has been returned to pending status and will be forwarded to PUBS after mailing of the decision.

Should there be any questions with regard to this letter please contact Cecilia Tsang by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0562 or by facsimile transmission at the general Office facsimile number, (703) 872-9306.

Cecilia Tsang

Cecilia Tsang
SPE, Art Unit 1625
Technology Center 1600

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Paper No. 34

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

David B. Cochran, Esq.
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114

In re Application of: Harry Major et al.)
Application No.: 09/545,962)
Filed: April 10, 2000)
For: NOTIFICATION SYSTEM AND METHOD FOR A MOBILE COMMUNICATION DEVICE)

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

This is a decision in response to the petition , filed December 9, 2002, under 37 CFR §1.181 requesting the withdrawal of the holding of abandonment.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue fee within the statutory period of three months from the mailing date of the Notice of Allowance, on June 26, 2002. A Notice of Abandonment was mailed on November 4, 2002.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office may presume 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.

M.P.E.P. § 711.03(c), section II 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. 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).

In support of the petition, Applicant's attorney, David B. Cochran, attests that the Office action was not received, and that upon conducting a search, no record of said Office action was found in the Attorney's file for this application. Petitioner supplies a copy of the docket records for Application Serial No. 09/545,962 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 shows no entry reflecting receipt of the Office communication mailed June 26, 2002.

Petitioner has met the criteria of set out in MPEP 711.03(c) for establishing failure to receive an Office action. The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff. The Notice of Allowability and Notice of Allowance and Issue Fee Due, originally mailed June 26, 2002 will be remailed with the three month non-extendable statutory period restarted to run from the date of the remailing.

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 306-4160

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MAIL

Paper No. 37

David B. Cochran, Esq.
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114

AUG 1 3 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Harry Major et al.	)	
Application No.: 09/545,962	)	
Filed: April 10, 2000	)	**DECISION ON PETITION**
For: NOTIFICATION SYSTEM AND	)	**UNDER 37 C.F.R. § 1.181 TO**
METHOD FOR A MOBILE	)	**WITHDRAW HOLDING OF**
COMMUNICATION DEVICE	)	**ABANDONMENT**

This is a decision in response to the petition , filed January 22, 2004, under 37 CFR §1.181 requesting the withdrawal of the holding of abandonment.

The petition is **GRANTED**.

This application was held abandoned for failure to timely pay the issue fee within the statutory period of three months from the mailing date of the Notice of Allowance, on June 9, 2003. A Notice of Abandonment was mailed on October 17, 2003.

In the absence of any apparent irregularity associated with the mailing of an Office communication, the Office may presume 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.

M.P.E.P. § 711.03(c), section II 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. 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).

In support of the petition, Applicant's attorney, David B. Cochran, attests that the Office action was not received, and that upon conducting a search, no record of said Office action was found in the Attorney's file for this application. Petitioner supplies a copy of the docket records for Application Serial No. 09/545,962 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 shows no entry reflecting receipt of the Office communication mailed June 9, 2003.

Petitioner has met the criteria of set out in MPEP 711.03©) for establishing failure to receive an Office action. The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The current file wrapper is based on papers submitted by applicant's representative to reconstruct the lost file. The application is being forwarded to the Examiner to reprint the Office action of June 26, 2002. The application file will then be forwarded to the Technology Center support staff. The reprinted Notice of Allowability and Notice of Allowance and Issue Fee Due, originally mailed June 26, 2002 and remailed June 9, 2003 will be remailed with the three month non-extendable statutory period restarted to run from the date of the remailing.

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 306-4160

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Paper No. 5

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OFFICE OF PETITIONS

DECISION ON PETITION

MICHAEL KLICPERA
P O BOX 573
LA JOLLA CA 92038-0573

In re Application of
Craig Freeman
Application No. 09/545,991
Filed: April 10, 2000
Attorney Docket No. 70764.02

This is a decision on the petition filed January 23, 2002, 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 reply to the Notice to File Missing Parts of Nonprovisional Application, mailed June 15, 2000. This Notice set a period for reply of two (2) months from the mail date of the Notice to submit an executed oath or declaration. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on August 16, 2000. A Notice of Abandonment was mailed on January 4, 2002.

With the instant petition, petitioner filed a fully executed declaration (including the $65 surcharge for its late filing), and met all other requirements for a grantable petition under 37 CFR 1.137(b).

The petition fee of $640 and the $65 surcharge for late filing of the declaration have been charged to Deposit Account No. 09-042 as authorized.

The application file is being forwarded to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries related to 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

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APR 0 5 2006

OFFICE OF PETITIONS

John J. Horn
Allen Bradley Company, Inc.
Patent Dept 704 P Floor 8 T 29
1201 South Second Street
Milwaukee, WI 53204

In re Application of	:
David S. Wehrle, et. al.	:
Application No. 09/546,089	: DECISION ON PETITION
Filed: April 10, 2000	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 00AB078	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed by facsimile transmission on August 30, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of priority to a prior-filed provisional application. The delay in responding is regretted.

The petition is **DISMISSED AS MOOT** for the reasons stated below.

37 CFR 1.78(a)(2)(ii) indicates that the time periods set forth therein do not apply if the later-filed application is: (1) an application for a design patent; **(2) an application filed under 35 U.S.C. § 111(a) before November 29, 2000**; and (3) a nonprovisional application which entered the national stage after compliance with 35 U.S.C. § 371 from an international application filed under 35 U.S.C. § 363 before November 29, 2000.

Since the instant application was filed prior to November 29, 2000, the provisions of 37 CFR 1.78(a)(6) do not apply. Accordingly, the petition is dismissed as involving a moot issue.

In view of the above, the petition fee of $1,330 is unnecessary and will be refunded to petitioner's credit card, in due course.

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.

This application is being referred to Technology Center Art Unit 2116.

Any questions concerning this matter may be directed to Andrea Smith at (571) 272-3226.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Himanshu S. Amin
Amin & Turocy, LLP
1900 E. 9th Street
Cleveland, OH 44114

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JOHN J HORN
ALLEN BRADLEY COMPANY INC
PATENT DEPT 704 P FLOOR 8 T 29
1201 SOUTH SECOND STREET
MILWAUKEE WI 53204

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OFFICE OF PETITIONS

In re Application of
David S. Wehrle et al.
Application No. 09/546,093
Filed: April 10, 2000
Attorney Docket No. 00AB108

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(6)
:
:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed August 30, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **DISMISSED as moot for the reasons stated below.**

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000.

37 CFR 1.78(a)(5)(ii) indicates that the time periods set forth therein do not apply if the later-filed application is: (1) an application for a design patent; (2) an application filed under 35 U.S.C. § 111(a) before November 29, 2000; and (3) a nonprovisional application which entered the national stage after compliance with 35 U.S.C. § 371 from an international application filed under 35 U.S.C. § 363 before November 29, 2000.

Since the instant nonprovisional application was filed prior to November 29, 2000, the provisions of 37 CFR 1.78(a)(6) for acceptance of a late claim for priority do not apply to the subject nonprovisional application. Accordingly, the petition is dismissed as involving a moot issue.

Any questions concerning this matter may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272- 3212.

Frances Hicks
Petitions Examiner
Office of Petitions

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ERIC B MEYERTONS
CONLEY ROSE & TAYON PC
PO BOX 398
AUSTIN TX 78767-0398

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OFFICE OF PETITIONS

In re Patent No. 6,639,807	:	
Issued: 28 October, 2003	:	
Application No. 09/546,101	:	ON PETITION
Filed: 10 April, 2000	:	
Attorney Docket No. 5181-37301/P4329	:	

This is a decision on the petition filed on 7 November, 2003, which is treated as a petition to waive the rules and correct the assignee data on the front page of the Letters Patent.

The petition under 37 CFR 1.183 to correct the assignee data is **GRANTED to the extent indicated**.

The petition under 37 CFR 1.182 to reprint the front page of the Letters Patent is **GRANTED**.

The name of the assignee will be corrected in accordance with USPTO assignment records. Petitioner should note, however, that the city and state of the assignee as listed in Office assignment records is Palo Alto, CA, not Santa Clara, CA, as requested by petitioner. Therefore, correction of the assignee's address is not appropriate.

Petitioner is advised that it is the practice of the U.S. Patent and Trademark Office (USPTO) 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 (35 U.S.C. 255), 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 upon good faith, the Commissioner may, upon payment of the required fee, issue a certificate of correction, if the correction does not involve such changes as

would constitute new matter or would require re-examination. Such patent, together with the certificate, shall have the same effect and operation in law on the trial of actions for causes thereafter arising as if the same had been originally issued in such corrected form.

In view of the above, and since the desired correction of the assignee data can been effected by way of a Certificate of Correction, it is unnecessary to reprint the front page of the Letters Patent.

However, the PTO will reprint the front page if the Letters Patent if the following conditions are met:

1. Submission of a petition under 37 CFR 1.182;
2. Payment of a $130.00 petition fee; and
3. Payment of a $100.00 fee to place a certificate of correction in the PTO archives.

Accordingly, since petitioner has met all four conditions noted above, the front page of the Letters Patent will be reprinted to reflect the proper name of the assignee.

Counsel's deposit account, No. 50-1505 will be charged $130.00 for the petition under 37 CFR 1.183 to waive the rules and correct the assignee data, $100.00 for the Certificate of Correction, and $130.00 for the petition under 37 CFR 1.182 to waive the rules and reprint the first page of the Letters Patent.

The file is being forwarded to the Certificates of Correction Branch for appropriate processing of a Certificate of Correction to place in the archives of the PTO. Afterwards, the file will be forwarded to Publishing Division for reprinting of the front page of the original Letters Patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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HOGAN & HARTSON LLP
ONE TABOR CENTER, SUITE 1500
1200 SEVENTEENTH ST
DENVER CO 80202

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Chih-Chien Liu et al :
Application No. 09/546,174 :
Filed: April 11, 2000 :
Attorney Docket No. JIA 462C1 :

This is a decision on the petition, filed October 25, 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 May 17, 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 (571) 272-3208.

The examiner of Technology Center AU 1711 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

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[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).

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OFFICE OF THE DIRECTOR
TC 3600

Hewlett Packard Company
P.O. Box 272400, 3404 E. Harmony Road
Intellectual Property Administration
Fort Collins, CO 80527-2400

In re Application of :
Kevin G. Currans, et al. :
Application No. 09/546,205 :
Filed: April 10, 2000 :
For: SYSTEM AND RELATED METHODS FOR AUTOMATICALLY DETERMINING THE MEDIA COUNT IN A PRINTING DEVICE MEDIA TRAY

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on applicants' petition to withdrawal the holding of abandonment filed on August 30, 2004.

The petition is **GRANTED** in view of the following evidence of timely filing :

☒ Postcard receipt dated January 13, 2004.

☐ USPTO return facsimile receipt dated _____, which references the application by serial number and the amendment that was filed on that date.

☐ Certificate of Mailing/Transmission signed on _____. and supported by a statement under 37 C.F.R. 1.8(b)(3).

☐ Hand Delivery Receipt of the specific documents submitted dated _____.

☐ Certificate of Transmission of CPA under 37 C.F.R. 1.6 filed on _____.

☐ Express Mail Receipt under 37 C.F.R. 1.10 dated _____.

This application is being forwarded to the Supervisory Legal Instruments Examiner for entry of the response filed with the petition, then to the examiner for prompt action on the response.

KJD/rwg: 1/06/05

KENNETH J. DORNER
SPECIAL PROGRAMS EXAMINER
TECHNOLOGY CENTER 3600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4-3-04

TO SPE OF : ART UNIT 3653

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/546205 Patent No.: 7625326

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES: Check case

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**.

FOR PAPER FILES:

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

EYOWB

Certificates of Correction Branch
703-308-9390 ext. 117

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: _____

PATRICK MACKEY
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

SPE

3653
Art Unit

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Paper No. 15

TIMOTHY R. SCHULTE
STORAGE TECHNOLOGY CORPORATION
ONE STORAGETEK DRIVE MS 4309
LOUISVILLE, CO 80028-4309

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JUL 0 9 2004

OFFICE OF PETITIONS

In re Application of	:
Robert Barry Wood	:
Application No. 09/546,312	:DECISION ON PETITIONS
Filed: April 10, 2000	:UNDER 37 CFR 1.137(b) AND
Attorney Docket No. 99-089-TAP	:37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.137(b), filed February 17, 2004, to accept an unintentionally delayed payment of the issue fee. This is also a decision on the petition under 37 CFR 1.313(c)(2), filed May 6, 2004, to withdraw the instant application from issue after payment of the issue fee.

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.313(c)(2) is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee on or before December 22, 2003, as required by the Notice of Allowance and Fee(s) Due, mailed September 22, 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. Since 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).

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 the issue fee payment; (2) the petition fee; and (3) an acceptable statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

Petitioner, in the petition filed on May 6, 2004, requests that the instant application be withdrawn from issue after payment of the issue fee for consideration of a submission (Information Disclosure Statement) in a Request for Continued Examination (RCE).

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 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) 305-8680.

The application file is being forwarded to Technology Center AU 2186 for processing the RCE received May 10, 2004 and for consideration of the Information Disclosure Statement received on June 14, 2004.

Frances Hicks

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

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[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).

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Paper No. 13

Hale & Dorr
The Willard Office Building
1455 Pennsylvania Avenue, NW
Washington, DC 20004

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OFFICE OF PETITIONS

In re Application of
Richard D. Hull et al.
Application No. 09/546,399
Filed: April 10, 2000
Attorney Docket No. 105456-101 US1

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 2, 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 April 2, 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) has been obtained. Accordingly, the above-identified application became abandoned on July 2, 2003.

The application file is being forwarded to Technology Center AU 1631.

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

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WILMER CUTLER PICKERING HALE AND DORR LLP
THE WILLARD OFFICE BUILDING
1455 PENNSYLVANIA AVE, NW
WASHINGTON, DC 20004

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OFFICE OF PETITIONS

In re Application of	:	
Richard D. Hull, et al.	:	
Application No. 09/546,399	:	ON PETITION
Filed: April 10, 2000	:	
Attorney Docket No.: 108949.101	:	

This is a decision on the petition, filed April 28, 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 March 21, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1631 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
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

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Date : April 28, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Richard D. Hull, et al.
Application No. : 09/546,399
Filed : April 10, 2000

The above-identified application has been assigned Patent No. 7,047,140 and an issue date of May 16, 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 May 16, 2006:

> "All reference to Patent No. 7,047,140 to RICHARD D. HULL, ET AL. of NEW JERSEY for CHEMICAL STRUCTURE SIMILARITY RANKING SYSTEM AND COMPUTER-IMPLEMENTED METHOD FOR SAME appearing in the Official Gazette of May 16, 2006, should be deleted since no patent was granted."

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Paul Harrison, Crystal Park 3-44l (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-9l0 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K.Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910

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MICHAEL WINFIELD GOLTRY
4000 N. CENTRAL AVENUE, SUITE 1220
PHOENIX AZ 85012

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OFFICE OF PETITIONS

In re Application of :
Denby :
Application No.: 09/546,502 :
Filed: April 11, 2000 :
Attorney Docket No.: 4045-A2 :
FOR: FISHING LINE AND LURE CONNECTORS

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment, filed on December 1, 2005.

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is **GRANTED**.

The above-identified application became abandoned for the alleged failure to timely reply to the non-final Office action, mailed August 27, 2004, which set a period for reply of three (3) months. {The August 27, 2004 non-final Office action was mailed in response to a timely filed June 11, 2003 Appeal Brief.} The Office considered the application abandoned on November 28, 2004. A Notice of Abandonment was mailed on June 2, 2005.

Petitioner alleges that a proper reply in the form of a two month extension of time, a request to reinstate the May 6, 2003 Appeal, and a supplemental Appeal Brief (in lieu of a reply under 37 CFR 1.111 to the August 27, 2004 non-final Office action) were timely filed on January 29, 2005 (certificate of mailing date January 27, 2005). A review of the application file reveals that these documents are present.

The petition under 37 CFR 1.181 is granted. The holding of abandonment is withdrawn. No petition fee has been or will be charged in connection with this matter.

After the mailing of this decision, the application will be returned to Technology Center AU 3643 for consideration of the request to reinstate the May 6, 2003 Appeal and the supplemental Appeal Brief, filed on January 29, 2005 (certificate of mailing date January 27, 2005.

Telephone inquiries 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
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WASHINGTON, D.C. 20231
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Paper No. 10

Finnegan Henderson Farabow Garrett & Dunner LLP
1300 I Street NW
Washington DC 20005-3315

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FEB 2 5 2003

OFFICE OF PETITIONS

In re Application of
Kelly, et al.
Application No. 09/546,565
Filed: April 11, 2000
Attorney Docket No.: 7579-0003-01
FOR: ISOFLAVONE COMPOSITIONS PRODUCED BY IMPROVED METHODS

DECISION GRANTING PETITION

This is a decision on the petition, filed December 9, 2002, entitled, "PETITION TO CORRECT FILING DATE," requesting that the filing date of the above-identified application be corrected to April 11, 2000. The presently accorded filing date is July 7, 2000. The petition will be treated under 37 CFR 1.181.

As evidenced by the Office of Initial Patent Examination date-stamp found on petitioners' date - stamped postcard receipt, the filing date of the above-identified application is April 11, 2000. April 11, 2000 was the filing date listed on the filing receipt, mailed June 13, 2000.

A Notice to File Missing Parts of Nonprovisional Application, mailed June 13, 2000, stated that the application had been accorded a filing date of April 11, 2000, but that an executed declaration and surcharge for the late filing of an executed declaration were required.

Petitioners responded to the June 13, 2000 Notice on July 7, 2000. The submission of missing parts should not have changed the filing date of the application.

Unfortunately, due to Office error, the application was processed with an incorrect filing date of July 7, 2000. The same incorrect filing date was listed on the updated filing receipt, mailed December 14, 2001.

The application is entitled to a April 11, 2000 filing date. The petition is **GRANTED**.

No petition fee has been or will be charged in connection with this matter.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **April 11, 2000** and the mailing of a corrected filing receipt.

Any 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Mar. 2, 2006

TO SPE OF : ART UNIT 1634 (*Gary Benzion*)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,753,423

A response is requested with respect to the accompanying request for a certificate of correction. This response is for an IFW application, **please send this form with your decision - to be scanned into the IFW contents as DOC CODE: COCX**.

then return a message in MADRAS to Team: PUBSCofC, User: employee (named below). Please complete this form and have it scanned, within 7 days.

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 Related U.S. Application Data. Your denial or approval decision is needed below.

sp STACY POWELL

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:

_____

_____

_____

_____

_____

Gary Benzion — **SPE**

1637 — **Art Unit**

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DUKE W. YEE
YEE & ASSOCIATES, P.C.
P.O. BOX 802333
DALLAS TX 75380

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APR 18 2007

OFFICE OF PETITIONS

In re Application of :
Sakairi :
Application No. 09/546,719 : DECISION ON PETITION
Filed: April 11, 2000 :
Attorney Docket No. JP90055 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 31, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned as a result of a decision by the Board of Patent Appeals and Interferences. Notice of Abandonment was mailed September 26, 2006

A grantable petition under 37 CFR 1.137(b) requires: (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 Director 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 petition has been carefully reviewed and found to have met the requirements of 37 CFR 1.137(b). Accordingly, the failure to timely reply to the final Office action is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3205.

This application is being referred to Technology Center 2100 for further processing.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 23

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OFFICE OF PETITIONS

Elizabeth R Plumber
Wolf Greenfield Sacks PC
600 Atlantic Avenue
Boston MA 02210

In re Application of
Jeffrey M. Isner
Application No. 09/546,733
Filed: April 11, 2000
Attorney Docket No. S1237/7012(ERP)
Title: ANGIOGENIC GROWTH FACTORS FOR TREATMENT OF PERIPHERAL NEUROPATHY

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

This is a decision on the petition filed on July 14, 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 CFR §1.113 in a timely manner to the final Office action mailed November 25, 2002, which set a shortened statutory period for reply of three (3) months. On May 21, 2003, an after-final amendment was received along with a three-month extension of time. Unfortunately, the amendment was not deemed to be a proper reply. As such, the above-identified application became abandoned on May 26, 2003. A Notice of Abandonment was mailed on July 2, 2003.

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)

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.

was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §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.

With the instant petition, petitioner has filed the petition fee, an amendment, a Request for Continued Examination (RCE) under 37 C.F.R. §1.114, as well as the associated fee, and has made the proper statement of unintentional delay. The RCE has been accepted as the required reply under 37 C.F.R. §1.137(b)(1). The concurrently filed amendment shall serve as the required submission.

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

After this decision is mailed, the application will be forwarded to Technology Center 1600 for consideration of the submission under 37 C.F.R. §1.114, the concurrently filed amendment..

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

Paul Shanoski

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

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TECHNOLOGY CENTER 2600

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY CA 94704-0778

In re Application of
David C. WILKINS, et al.
Application No. 09/546,932
Filed: April 11, 2000
For: TECHNIQUES FOR ACQUIRING A PARENT MULTIMEDIA ASSET (DIGITAL NEGATIVE) FROM ANY OF A PLURALITY OF MULTIPLY MODIFIED CHILD MULTIMEDIA ASSETS

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney/agent of record filed on October 27, 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.*** Future correspondence will be sent to the below address which has been provided by the withdrawing attorney(s).

Note: There are currently NO Attorneys/Agents of record for this application. If applicant desires appointment of representation, a properly executed Power of Attorney must be filed.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

cc: PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

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TECHNOLOGY CENTER 2600

PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER NY 14650-2201

In re Application of
David Wilkins, et al.
Application No. 09/546,932
Filed: April 11, 2000
For: **TECHNIQUES FOR ACQUIRING A PARENT MULTIMEDIA ASSET (DIGITAL NEGATIVE) FROM ANY OF A PLURALITY OF MULTIPLY MODIFIED CHILD MULTIMEDIA ASSETS**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the petition for revival filed under 37 C.F.R. §1.137(b), October 4, 2004 which is treated as Petition to Withdraw the Holding of Abandonment pursuant to 37 C.F.R. §1.181. No fee is required.

The petition is **GRANTED.**

The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed November 3, 2003. A Notice of Abandonment was mailed on September 20, 2004.

Petitioner asserts that a proper response was timely filed on February 2, 2004. In support of the petition, Petitioner has submitted, a copy of a transmittal letter, Applicant's reply, a power of attorney letter and a date-stamped post card receipt that references an amendment and power of attorney.

The original correspondence filed was not matched with the application 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 U.S.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 Patent and Trademark Office but not matched with the application file.

37 C.F.R. § 1.8 Certificate of mailing or transmission, states in part:

(a) Except in the cases enumerated in paragraph (a)(2) of this section, correspondence required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.

(1) Correspondence will be considered as being timely filed if:

(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:

(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or

(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); and

(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated. [emphasis added]

Petitioner has successfully demonstrated the receipt of papers in the U.S. PTO. However, the post card receipt was date-stamped as having been received in the Office on February 4, 2004, which is after the set shortened statutory time period for response. There is no certificate of mailing on the amendment or transmittal letter which references the amendment and power of attorney letter. There is only a certificate of mailing on the power of attorney letter which is insufficient to satisfy the requirements under 37 C.F.R. §1.8, certificate of mailing. Therefore, applicant's response was not considered to have been filed until February 4, 2004, wherein applicant was required to petition for a one month extension of time.

37 C.F.R § 1.136(a)(3) Extensions of time, states:

(3) A written request may be submitted in an application that is an authorization to treat any concurrent or future reply, requiring a petition for an extension of time under this paragraph for its timely submission, as incorporating a petition for extension of time for the appropriate length of time. An authorization to charge all required fees, fees under § 1.17, or all required extension of time fees will be treated as a constructive petition for an extension of time in any concurrent or future reply requiring a petition for an extension of time under this paragraph for its timely submission. Submission of the fee set forth in § 1.17(a) will also be treated as a constructive petition for an extension of time in any concurrent reply requiring a petition for an extension of time under this paragraph for its timely submission. [emphasis added]

Applicants checked the box within the transmittal letter which states "The Commissioner is hereby authorized to charge any additional appropriate fees that may be required by this paper, and to credit any overpayment, to Deposit Account No. 05-0460." Therefore, a one month extension of time has been charged in order for the response to be considered has having been timely filed.

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

With respect to the power of attorney letter, the associate power of attorney and change of correspondence address is denied. A decision on November 28, 2003 granting withdraw of all attorneys of record was mailed. This decision specifically noted that NO Attorneys/Agents remained of record. If applicant desired appointment of representation, a properly executed Power of Attorney must be filed. Given that there was no attorney of record and no power of

attorney has subsequently been filed by applicant, then Frank Pincelli does not have the apparent authority to appoint associate powers of attorney or change correspondence addresss.

The application file will be forwarded to the Technology Center's technical support staff for entering the copy of the response submitted with the petition and for refunding the petition fee of $1370.00 given that this decision is based on a 37 C.F.R. §1.181. No fee is required. From there, the file will be forwarded to the examiner for further examination in due course.

A courtesy copy of this decision is being sent to the improperly requested change of correspondence address listed below. However, all future communications will continue to be sent to the address listed above until such time as applicant properly notifies the U.S. Patent and Trademark Office of a change of address.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

Cc: Pamela R. Crocker
Eastman Kodak Company
Patent Legal Staff
Rochester, New York 14650-2201

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Paper No. 19

Kevin A. Reif
c/o Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Boulevard Seventh Floor
Los Angeles, CA 90025

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MAY 1 6 2005

OFFICE OF PETITIONS

In re Application of :
Joon Suk Park, et al. :
Application No. 09/546,976 : ON PETITION
Filed: April 11, 2000 :
Attorney Docket No. PIC-010.1P (42390.P9093X) :

This is a decision on the petition under 37 CFR 1.137(b), filed January 4, 2005, to revive the above-identified application.

The petition is **GRANTED**.

A non-final Office action was mailed to applicant on September 29, 2003, which set a three (3) month shortened statutory period for reply. As no reply was received and no extensions of time under the provisions of 37 CFR 1.136 were obtained, the application became abandoned on December 30, 2003.

Since the application became abandoned, applicant filed the instant petition and a proposed reply, namely, an amendment. Receipt of the amendment is acknowledged.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

The application file is being forwarded to Technology Center 2600.

Marianne E. Jenkins

Marianne E. Jenkins
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
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In re Patent No. 6316750
Issue Date: November 13,2001
Application No. 09547006
Filed: April 11,2000
Attorney Docket No. 2010A

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

This is a decision on the electronic petition, filed February 17,2010 ,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 17,2010 . 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
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NOV 08 2005

M Robert Kestenbaum
11011 Bermuda Dunes N E
Albuquerque, NM 87111

Paper No. 23

In re Application of
HAHN ET AL.
Appl No.: 09/547,156
Filed: April 11, 2000
For: STORAGE CONTAINER FOR A SUSPENSION USED FOR MEDICAL PURPOSES
Attorney Docket Number: (O) 6912.5

DECISION GRANTING PETITION
37 CFR 1.181

This application is before the Director of Technology Center 3700 for reconsideration of the Notice of Abandonment mailed March 7, 2005 for failure to timely pay the issue fee due January 3, 2005. In view of petitioner's statements in the petition received April 8, 2005, the request is treated as a petition to withdraw of the holding of abandonment pursuant to 37 CFR 1.181 based on non-receipt of the office action. No fee is required for this petition.

The petition is granted.

In support of the request, petitioner has provided a showing of non-receipt of the Office action in accordance with MPEP 711.03(c)IA.

In view of the above, the Notice of Abandonment mailed March 7, 2005 is hereby vacated and the holding of abandonment is withdrawn. The application will be forwarded to the Technical Support Staff to return the application to an active status and to remail the Notice of Allowance and Fees Due (PTOL-85). It should be noted that Part B of the PTOL-85 must be completed and returned. The statutory period that was originally set forth in the Office communication will be restarted to run from the mail date of the newly supplied office action.

Richard A. Bertsch, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Washington, D.C. 20231
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Paper No. 14

Sandra P. Thompson
Rutan & Tucker
611 Anton Blvd., 14th Floor
Costa Mesa, CA 92626

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JAN 08 2003

OFFICE OF PETITIONS

In re Application of Joseph Kennedy et al. :
Kennedy et al. :
Application No. 09/547,167 : ON PETITION
Filed: April 11, 2000 :
Attorney Docket No. 100595.0052US1 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 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 to the final Office action mailed April 9, 2002, which set a shortened statutory period for reply of three months. No extensions of time under the provisions of 37 CFR 1.136(a) have been obtained. Accordingly, the application became abandoned on July 10, 2002.

The application is being forwarded to Technology Center AU 2822 for further processing the request for continued examination filed with the instant petition.

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

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Paper No. 24

OMRI M. BEHR
325 PIERSON AVENUE
EDISON NJ 08837-3123

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OFFICE OF PETITIONS

In re Application of
Schally, et al.
Application No. 09/547,215
Filed: April 11, 2000
Attorney Docket No. SHAL3.0-031
For: ANTAGONISTIC ANALOGS OF GH-RH INHIBITING IGF-I AND -II

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed July 8, 2004, to revive the above-identified application. The petition will be treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The petition under 37 CFR 1.137(a) is **DISMISSED AS MOOT**.

The Office contended that the above-identified application became abandoned for failure to timely reply to the September 24, 2003 non-final Office action that set an extendable 3 month period for reply. No extensions of time being obtained under 37 CFR 1.136(a), the Office contended that this application became abandoned on December 25, 2003. A Notice of Abandonment was mailed on April 30, 2004.

An allegation that an Office action was not received may be considered as a petition for the withdrawal of the holding of abandonment. If the allegation is adequately supported, the petition may be granted and a new Office action mailed.

Petitioners have provided evidence, namely an itemized date stamped postcard receipt, that shows the Office received a Change of Correspondence Address on September 2, 2003. Unfortunately, the change in address was not matched with the application file. As a result, the September 24, 2003 Office action was mailed to the former address of record.

The petition under 37 CFR 1.181 is granted and the April 30, 2004 Notice of Abandonment is hereby vacated.

Deposit account No. 02-1750 will be credited the $55.00 petition fee submitted with the instant petition.

After the mailing of this decision, the application file will be forwarded to Technology Center 1600 for the remailing of the September 24, 2003 Office action with a new period set for reply.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

SCHWEGMAN, LUNDBERG, WOESSNER &
KLUTH, P.A.
P.O. BOX 2938
MINNEAPOLIS, MN 55402

In re application of:
Luke Dahl
Application No. 09/547,365
Filed: April 11, 2000
For: REVERBERATION PROCESSOR FOR INTERACTIVE AUDIO APPLICATIONS

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request for withdrawal as attorney/agent and change of correspondence address filed on October 4, 2004

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 of the attorneys/agents listed in the withdrawal have been withdrawn.

All future communications from the Office will be directed to the address listed below until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the Patent and Trademark 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
(571) 272-2986

cc: Schwegman, Lundberg, Woessner & Kluth, P.A.
121 South Eighth Street
Suite 1600
Minneapolis, MN 55402

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Paper No. 12

FUESS & DAVIDENAS
ATTORNEYS AT LAW
10951 SORRENTO VALLEY ROAD
SUITE II G
SAN DIEGO, CA 92121-1613

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AUG 1 1 2003

OFFICE OF PETITIONS

In re Application of	:	
Mark Wang et al	:	
Application No. 09/547,395	:	ON PETITION
Filed: April 11, 2000	:	
Attorney Docket No. UCSD99-037	:	

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on August 5, 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 22, 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 by filing a continuing application or request for continued examination (RCE), or 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 request for filing of a continuing application or RCE, and 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 July 23, 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.

Pursuant to petitioner's authorization, Deposit Account No. 07-2069 was charged a total of $1,025.00 -- $650.00 for the petition to revive an unintentionally abandoned application and $375.00 for the RCE.

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 1752 or processing of the request for continued examination (RCE) under 37 CFR 1.114.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: GREER BURNS & CRAIN
300 S. WACKER DRIVE
SUITE 2500
CHICAGO, IL 60606

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Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
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Mailed: MAR 31 2003

spg
Paper Number #8

In re application of
Mark Wang et al.
Serial No. 09/547,395
Filed: April 11, 2000
For: THREE-DIMENSIONAL OPTICAL DATA STORAGE IN FLUORESCENT DYE-DOPED PHOTOPOLYMER

DECISION ON PETITION

This is a decision on the PETITION UNDER C.F.R. §8(b) (NO FEE) TO WITHDRAW HOLDING OF ABANDONMENT ON THE BASIS THAT A REQUIRED RESPONSE WAS TIMELY MAILED, filed February 19, 2003. The petition requests that the holding of abandonment, as set forth in the Notice of Abandonment mailed December 9, 2002, for failure to timely file a proper response to the Office letter mailed on April 22, 2002 be withdrawn since the applicant did timely file a response on August 19, 2002 (a copy of the AMENDMENT UNDER 37 C.F.R. §116 filed August 19, 2002 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 C.F.R. § 1.181 (no fee) - no abandonment-in-fact.

A review of the evidence presented reveals that the applicant did file a response entitled AMENDMENT UNDER 37 C.F.R. §116 on August 19, 2002 to the Final Rejection mailed April 22, 2002, which set a shortened statutory period for response thereto of three months from the mailing date thereof. The Final Rejection, mailed April 22, 2002, also clearly states that "Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).". The rejection also states "In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action." A review of the instant application file indicates that the AMENDMENT UNDER 37 C.F.R. §116 originally filed on August 19, 2002 has not been matched with the file.

37 C.F.R. 1.116 (b) states:

> "§ 1.116 Amendments after final action or appeal.
> (b) After a final rejection or other final action (§ 1.113) in an application or in an ex parte reexamination filed under § 1.510, or an action closing prosecution (§ 1.949) in an inter partes reexamination filed under § 1.913, amendments may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action. Amendments presenting rejected claims in better form for consideration on appeal may be admitted. **The admission of, or refusal to admit, any amendment after a final rejection, a final action, an action closing prosecution, or any related proceedings will 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, or the reexamination from termination.** No amendment can be made in an inter partes reexamination proceeding after the right of appeal notice under § 1.953 except as provided for

in paragraph (d) of this section." (emphasis added)

37 CFR 1.113 states:

"§ 1.113 Final rejection or action.
(a) On the second or any subsequent examination or consideration by the examiner the rejection or other action may be made final, **whereupon applicants, or for ex parte reexaminations filed under § 1.510, patent owner's reply is limited to appeal in the case of rejection of any claim (§ 1.191), or to amendment as specified in § 1.114 or § 1.116.** Petition may be taken to the Commissioner in the case of objections or requirements not involved in the rejection of any claim (§ 1.181). **Reply to a final rejection or action must comply with § 1.114 or paragraph (c) of this section.** For final actions in an inter partes reexamination filed under § 1.913, see § 1.953.
(b) In making such final rejection, the examiner shall repeat or state all grounds of rejection then considered applicable to the claims in the application, clearly stating the reasons in support thereof.
(c) Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form." (Emphasis added)

37 CFR 1.114 states:

"§ 1.114 Request for continued examination.
(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:
(1) Payment of the issue fee, unless a petition under § 1.313 is granted;
(2) Abandonment of the application; or
(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.
(c) A submission as used in this section includes, but is not limited to, an information disclosure statement, an amendment to the written description, claims, or drawings, new arguments, or new evidence in support of patentability. If reply to an Office action under 35 U.S.C. 132 is outstanding, the submission must meet the reply requirements of § 1.111.
(d) If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered. If an applicant files a request for continued examination under this section after appeal, but prior to a decision on the appeal, it will be treated as a request to withdraw the appeal and to reopen prosecution of the application before the examiner. An appeal brief under § 1.192 or a reply brief under § 1.193(b), or related papers, will not be considered a submission under this section.
(e) The provisions of this section do not apply to:
(1) A provisional application;
(2) An application for a utility or plant patent filed under 35 U.S.C. 111(a) before June 8, 1995;
(3) An international application filed under 35 U.S.C. 363 before June 8, 1995;
(4) An application for a design patent; or
(5) A patent under reexamination.
[Added 65 FR 14865, Mar. 20, 2000, effective May 29, 2000; revised 65 FR 50092, Aug. 16, 2000]"

Whether or not applicant's reply was received at the USPTO and matched with the instant application file, given the finality of the rejection in the instant application, the only courses of

action available to the applicant as the end of the 6-month statutory period approached, given the above rules, would have been:

(1) To file an amendment, and ensure that it was matched with the file and considered by the Examiner, with the proper extension of time fee, under 37 C.F.R. 1.116, which placed the application in condition for allowance, see MPEP 706.07(f);
(2) File a notice of appeal with the proper extension of time fee, see MPEP 1205;
(3) File a continuing application under 37 C.F.R. 1.53(b) or (d), see MPEP 201.06(c) and (d),
(4) File a request for continued examination under 37 C.F.R. 1.114, or;
(5) Abandon the application.

While the Office attempts to promptly match with the application file and respond to an amendment after final, there are those instances where delays do occur, as in the instant application. However, it is clear from 37 C.F.R. 1.116 that abandonment of an application is risked when an amendment after a final Office action is proffered by the applicant. The rule clearly indicates that the mere filing of an amendment does not relieve petitioner of the duty of taking appropriate action to save the application from abandonment. Therefore, whether the petitioner's reply was received and matched with the instant application file or not prior to the expiration of the six month statutory period, the only right petitioner was entitled to was that of appealing the final rejection or by filing a continuing application or request for continued examination. This application became abandoned for failure on the part of petitioner to file an appeal or a continuing application or request for continued examination. Petitioner has not stated what steps were taken to maintain pendency of the application after the filing of the response on August 19, 2002 in view of the terms set out in 37 C.F.R. 1.116. When applicants did not receive a response before the expiration of the six month statutory period to respond to the final Office action of April 22, 2002, the appropriate action would have been to (l) inquire as to the status of the application, or (2) file a Notice of Appeal (or a continuing application or request for continued examination) to maintain pendency of the application.

This application became abandoned by operation of law (35 U.S.C. 133) for applicants' failure to timely file a Notice of Appeal in response to the outstanding final rejection. See Lorenz v. Finkl, 333 F.2d 885, 891, 142 USPQ 26, 30 (CCPA 1964).

The applicants are advised that if a petition under 37 C.F.R. 1.137(a) or (b) is filed, then such a petition should be accompanied by a:

(1) NOTICE OF APPEAL and pay the required notice of appeal fee, which is set by 37 C.F.R. 1.17(e). An appeal brief would be due two (2) months from the date of filing the notice of appeal, but the due date can be extended up to five (5) months with payment of extension of time fees, or a;

(2) Request for a continuation application under 37 C.F.R. 1.53(b)with the appropriate filing fee and the document required by the rule, or file a continued prosecution application (CPA) request under 37 C.F.R. 1.53(d) with the appropriate filing fee if the applicants want to continue prosecution of the application using the same application as already presented. Either of these options should also be filed with an amendment to the claims, or a;

(3) Request for continued examination under 37 C.F.R. 1.114 with the appropriate filing fee and submission required by the rule, and a;

(3) Terminal Disclaimer, pursuant to 37 C.F.R. 1.137(c).

The holding of abandonment, set forth in the Notice of Abandonment of July 2, 2001 was proper and is maintained.

The petition is **DENIED**.

JMStone

Jacqueline M. Stone, Director
Technology Center 1700
Chemical and Materials Engineering

Fuess & Davidenas
Attorneys at Law
10951 Sorrento Valley Road Suite II G
San Diego CA 92121-1613

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

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DEC 2 4 2002

OFFICE OF PETITIONS

Hung Chang LIN
8 Schindler Ct.
Silver Spring, MD 20903

In re Application of
Faquir Jain et al.
Application No. 09/547,415
Filed: April 11, 2000
Attorney Docket No. CONN-2

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed, December 16, 2002 , to revive the above-identified application.

The petition is granted.

The application is being forwarded to Technology Center AU 1774 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
Washington, D.C. 20231
www.uspto.gov

Paper No. 12

Hung Chang LIN
8 Schindler Court
Sliver Spring, MD 20903

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OCT 1 1 2002

OFFICE OF PETITIONS

In re Application of
Faquir JAIN et al.
Application No. 09/547,415
Filed: April 11, 2000
Attorney Docket No. 09/547,415

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 23, 2002, to revive the above-identified application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to timely reply to the Non-Final Office action mailed January 30, 2002, 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, a Notice of Abandonment was mailed on September 10, 2002.

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) 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 lack(s) item(s) (1).

The required reply to a non-final action in a nonprovisional application abandoned for failure to prosecute may be an argument or an amendment under 37 CFR 1.111; the filing of a continuing application under 37 CFR 1.53(b) or a continued prosecution application (CPA) under 37 CFR 1.53(d) if the application is a utility or plant application filed before May 29, 2000, or a design application). See MPEP 711.03(c)(III)(A)(2).

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

By mail: Office of Petitions
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 Latrice Bond at (703) 308-6911.

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. 7

KATTEN MUCHIN ZAVIS ROSENMAN
575 MADISON AVENUE
NEW YORK NY 10022-2585

In re Application of	:	
Satoshi Kimura	:	
Application No. 09/547,496	:	DECISION ON PETITION
Filed: April 12, 2000	:	
Attorney Docket No. 3002/FLK	:	
(032878-87674)	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 14, 2005, to revive the above-identified application. The application file was recently forwarded to the Office of Petitions for a decision on the petition. The Office apologizes for any inconvenience caused to petitioner.

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 reply timely to the nonfinal Office action mailed June 6, 2001, which set a three-month shortened statutory period to respond. Petitioner did not obtain any extensions of time for response. Accordingly, this application became abandoned on September 7, 2001. A Notice of Abandonment was mailed on January 15, 2002.

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.

This application became abandoned for failure to file a reply to the nonfinal Office action of June 6, 2001, within the period set for response. The proposed reply required for consideration of a petition to revive must be an amendment, request for reconsideration or the filing of a continuing application. A review of the official file does <u>not</u> show that any response was filed previously, or with the present petition to revive. A copy of the nonfinal Office action of June 6, 2001, accompanies the decision for petitioner's convenience.

Additionally, petitioner indicated that he submitted a request for change in correspondence address and an appointment of sub-power of attorney, as well as a request that the application be associated with Customer Number 26304. Unfortunately, these documents were not located in the application file. The Office requests that petitioner submit these documents with any renewed petition. Nevertheless, the Office reflected <u>in this decision</u> the change in name of the law firm from Rosenman & Colin LLP to Katten Muchin

Zavis Rosenman, as requested. However, the Office notes that the name of the law firm associated with Customer Number 26304 is Katten Muchin Rosenman LLP, not Katten Muchin Zavis Rosenman.

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.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Nonfinal Office action dated 06/06/01 (7 Pages)

UNITED STATES 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. 11

Katten Muchin Rosenman LLP
575 Madison Avenue
New York, NY 10022-2585

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NOV 1 0 2005

OFFICE OF PETITIONS

In re Application of	:	
Satoshi Kimura	:	DECISION ON PETITION
Application No. 09/547,496	:	UNDER 37 CFR 1.137(b)
Filed: April 12, 2000	:	
Attorney Docket No. 3002/FLK	:	
(032878-87674)	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 25, 2005, to revive the above-identified application.

This application became abandoned for failure to reply timely to the nonfinal Office Action mailed June 6, 2001, which set a three (3) month shortened statutory period to reply. Accordingly, this application became abandoned on September 7, 2001. A Notice of Abandonment was mailed on January 15, 2002.

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 petition is **granted.**

This matter is being referred to Technology Center Art Unit 2832.

Telephone inquiries 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
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Paper No.

MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY, SUITE 1001
WESTBOROUGH, MA 01581

COPY MAILED
JUN 27 2006
OFFICE OF PETITIONS

In re Application of	:	
Cowan et al.	:	DECISION DISMISSING PETITION
Application No. 09/547,550	:	
Filed: April 12, 2000	:	
Atty Docket No. NUM-02401	:	

This is a decision on the "PETITION TO WITHDRAW ABANDONMENT UNDER 37 CFR §1.181," filed December 16, 2005.

The above-identified application became abandoned for failure to timely file a proper response to the Office action mailed May 3, 2005. The Office action set a shortened statutory period of three months for reply, with extensions of time obtainable under § 1.136(a). No reply having been received and no extension obtained, the above-identified application became abandoned on August 4, 2005. A courtesy Notice of Abandonment was mailed on November 18, 2005.

The showing required to establish non-receipt 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. In addition, 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 instant petition was promptly filed. Applicant asserts that the Office action was never received at the Choate, Hall and Stewart law firm (whose address was the correspondence address of record at the time of mailing of the Notice) or at the

Muirhead law firm to which any papers should have been forwarded. The petition includes a copy of docketing records for the Choate law for August 3, 2005 and for the Muirhead law firm for November 3, 2005.

As the Choate law firm's address was the correspondence address of record at the time of mailing of the Office action, only whether the Office action was received at that address is relevant. Withdrawal of the holding of abandonment is not warranted where non-receipt is due to the applicant's belated filing of a change of correspondence of address coupled with their reliance on forwarding from the old address.

Thus, evidence as to receipt of the Office action at Choate is relevant. On petition, it is stated that the Office action was not logged at Choate as received from May 4, 2005 to May 20, 2005. In addition, petitioner provides a page of Choate's docketing book to show that it was not docketed for response on August 3, 2005, the three-month response date. However, petitioner indicates that the November 3, 2005 date is relevant for purposes of consideration of non-receipt. Yet, petitioner only provides the docketing entry for the Muirhead law firm for that date. On renewed petition, petitioner needs to, if accurate, make clear that had the Office action been received at the Choate law firm, regardless of attorney Saturnelli's departure, it would have only been docketed for the August 3, 2005 date OR supply a copy of the docket record for November 3, 2005.

Moreover, the practitioner does not attest on a personal knowledge basis that the Notice was never received. Specifically, the petition does not 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. Rather, petitioner submits a statement that "applicant respectfully submits that this Office action was never received based on a search of the mail log, docket records and the patent application file." To satisfy, the showing of non-receipt, where applicant is represented and the representative is the correspondence address of record, the statement must be made by practitioner, not applicant.

The petition under § 1.181 is **DISMISSED**.

Any request for reconsideration 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 not permitted. See 1.181(f).

Alternatively, applicants may seek revival under the provisions of 37 CFR 1.137. Such a request should include a cover letter entitled "Petition under 37 C.F.R. §1.137(a)" or "Petition under 37 C.F.R. §1.137(b)," as appropriate.

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

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 specific to this matter 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
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Paper No.

MUIRHEAD AND SATURNELLI, LLC
200 FRIBERG PARKWAY, SUITE 1001
WESTBOROUGH, MA 01581

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OCT 0 4 2006
OFFICE OF PETITIONS

In re Application of	:	
Cowan et al.	:	DECISION DISMISSING PETITION
Application No. 09/547,550	:	
Filed: April 12, 2000	:	
Atty Docket No. NUM-02401	:	

This is a decision on the "REQUEST FOR RECONSIDERATION AND RENEWED PETITION TO WITHDRAW ABANDONMENT UNDER 37 CFR 1.181," filed July 17, 2006.

The above-identified application became abandoned on August 4, 2005 for failure to timely file a proper response to the Office action mailed May 3, 2005. A courtesy Notice of Abandonment was mailed on November 18, 2005.

By decision mailed June 27, 2006, the initial petition filed December 16, 2005 was dismissed. Petitioner asserted non-receipt of the Office communication. However, it was not clear whether the docket records submitted by the petitioner had showed where the Office communication would have been entered had it been received. Moreover, the practitioner did not attest on a personal knowledge basis that the Notice was never received.

On renewed petition, practitioner attested as required to the non-receipt of the Office action. In addition, petitioner explained how the docket records did show where the Office action would have been received.

In view thereof, the notice of abandonment mailed November 18, 2005 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 2192 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and for re-mailing of the non-final Office action mailed May 3, 2005 and for restarting of the period for reply.

Telephone inquiries specific to this matter 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
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Paper No. None

N. KENNETH BURRASTON
KIRTON & MCCONKIE
P.O. BOX 45120
SALT LAKE CITY UT 84145-0120

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JUN 05 2006
OFFICE OF PETITIONS

In re Application of	:	
Gaetan L. Mathieu et al.	:	
Application No. 09/547,561	:	DECISION ON PETITION UNDER
Filed: April 12, 2000	:	37 C.F.R. §1.181(A)
Attorney Docket Number: P98-US	:	
Title: SHAPED SPRING	:	

This is a decision on the petition under 37 CFR §1.181(a), filed December 2, 2005, to withdraw the holding of abandonment.

The Office regrets the delay in issuing this decision.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 4, 2005, which set a shortened statutory period for reply of three (3) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 5, 2005. A notice of abandonment was mailed on November 2, 2005.

With the present petition, petitioner has asserted that a reply was timely submitted on August 3, 2005, and has provided a copy of this submission.

RELEVANT PORTION OF THE C.F.R.

37 CFR §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

Petitioner has asserted that a response to the notice was timely submitted via facsimile transmission on August 3, 2005. Petitioner has submitted a copy of this response, and it is noted that the fee transmittal sheet, the amendment, and the petition for a one-month extension of time each contains a certificate of facsimile transmission which is dated August 3, 2005. As such, Petitioner has met the requirements of 37 CFR §§1.8(b)(1) and (2), in that the Office has been informed of the previous transmission of the correspondence and an additional copy of the same has been provided with this petition.

Petitioner has also included a copy of the sending unit's report which confirms the transmission, however it does not appear that he has included a statement which attests on a personal knowledge basis to the previous timely transmission.

As such, Petitioner has not met the requirements of 37 CFR §1.8(b)(3), and therefore, the correspondence cannot be considered timely filed.

CONCLUSION

The petition must be **DISMISSED**.

Any reply 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 reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. §1.181." This is not a final agency action within the meaning of 5 U.S.C 704.

The renewed petition 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].

On renewed petition, Petitioner may wish to consider submitting a statement from a party who has firsthand knowledge of the facsimile transmission of August 3, 2005, Ms. Erin Cowles.

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

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450,
Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (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
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ALEXANDRIA, VA 22313-1450
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Paper No. None

N. KENNETH BURRASTON
KIRTON & MCCONKIE
P.O. BOX 45120
SALT LAKE CITY UT 84145-0120

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SEP 22 2006
OFFICE OF PETITIONS

In re Application of	:	
Gaetan L. Mathieu et al.	:	
Application No. 09/547,561	:	DECISION ON RENEWED PETITION
Filed: April 12, 2000	:	UNDER 37 C.F.R. §1.181(A)
Attorney Docket Number: P98-US	:	
Title: SHAPED SPRING	:	

This is a decision on the renewed petition under 37 CFR §1.181(a), filed July 27, 2006, to withdraw the holding of abandonment.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed April 4, 2005, which set a shortened statutory period for reply of three (3) months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on July 5, 2005. A notice of abandonment was mailed on November 2, 2005.

With the original petition, Petitioner asserted that a reply was timely submitted on August 3, 2005, and has provided a copy of this submission.

PROCEDURAL HISTORY

The original petition was received on December 2, 2005, and was dismissed via the mailing of a decision on June 5, 2006, as Petitioner asserted that a previous response was timely

submitted, however he failed to comply with 37 C.F.R. §1.8(b)(3), in that he failed to include a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely transmission.

ANALYSIS

With this renewed petition, the previous deficiency has been rectified. As such, the petition under 37 C.F.R. §1.181 is **GRANTED**.

CONCLUSION

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 amendment that was received on December 2, 2005 can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. 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

1 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).

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COMMISSIONER FOR PATENTS
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Paper No.

Mueller and Smith, LPA
Mueller-Smith Building
7700 Rivers Edge Drive
Columbus, OH 43235

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MAY 13 2004

OFFICE OF PETITIONS

In re Application of	:	
Jessie L. S. Au, et al.	:	
Application No. 09/547,825	:	ON PETITION
Filed: April 7, 2000	:	
Attorney Docket No. JAG-001	:	

This is a decision on the petition, filed March 22, 2004, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition is **DISMISSED**.

A final Office action, setting a three-month shortened statutory period within which to submit a reply, was mailed to applicant on July 14, 2003. An amendment was submitted on November 26, 2003 with the appropriate extension of time. However, the amendment did not place the application in condition for allowance. An Advisory action was mailed on December 19, 2003, and a Request for Continued Examination (RCE) under 37 CFR 1.114 and a Request for Extension of time were submitted on January 6, 2004. Both papers were accompanied by an authorization to charge fees to petitioner's deposit account. A Notice of Improper Request for Continued Examination (RCE) was mailed to applicant on February 27, 2004, stating that "the request was not accompanied by the fee set forth in 37 CFR 1.17(e) as required by 37 CFR 1.114. Due to insufficient funds in your account."

Petitioner argues that there were sufficient funds in the deposit account to charge the required fees. Petitioner states that funds were timely deposited into the deposit account since an employee of the petitioner's firm made an on-line replenishment with the firm's Visa card to the account on January 6, 2004. Petitioner has provided a copy of the firm's Visa account statement to show the deposit. While petitioner is correct in that a deposit was made, the amount was not posted until January 7, 2004. 37 CFR 1.25 in pertinent part states:

> "An amount sufficient to cover all fees, services, copies, etc., requested must always be on deposit.

MPEP 509.01 in pertinent part also states:

> "It is expected, however, that reasonable precautions will be taken in all cases to avoid overdrafts..."

An attempt to charge the RCE and extension of time fees were made on January 6, 2004. At the time the fees were being charged, there were insufficient funds in the deposit account to cover the fees. In view thereof, the application is properly held abandoned.

Petitioner 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 the 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 $665 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 cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of a 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).

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

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the Customer Window located at:

2011 South Clark Place
Crystal Plaza Two Lobby
Room 1B03
Arlington, VA 22202

The centralized facsimile number is **(703) 872-9306.**

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-3475.

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

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
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Paper No.

Mueller and Smith, LPA
Mueller-Smith Building
7700 Rivers Edge Drive
Columbus, OH 43235

COPY MAILED
JUN 17 2004
OFFICE OF PETITIONS

In re Application of	:	
Jessie Au, et al.	:	
Application No. 09/547,825	:	ON PETITION
Filed: April 7, 2000	:	
Attorney Docket No. JAG-001	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 28, 2004, 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 1600 for processing the Request for Continued Examination under 37 CFR 1.114 filed January 6, 2004.

Marianne E. Morgan
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. 14

James R. Raden
JONES, DAY, REAVIS & POGUE
77 West Wacker Drive
Chicago, Illinois 60601-1692

JUN - 4 2004

In re Application of:
Jane X Lee
Serial No.: 09/548,038
Filed: April 12, 2000
Attorney Docket No.: **PH560043-620-499**

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the petition, filed May 20, 2004, via facsimile transmission, to withdraw the holding of abandonment in the above-identified application under 37 C.F.R. § 1.181.

The petition is GRANTED.

This application was held abandoned for failure to timely file a reply to the final Office action of August 28, 2001. A Notice of Abandonment was mailed on April 26, 2002.

Petitioner asserts that the final Office action of August 28, 2001, was not received. To support this assertion, petitioner provided a statement that the power of attorney and a change of address was submitted on November 30, 1999, in the parent application and the change was confirmed by an Office communication, form PTOL-305, dated January 6, 2000. Also accompanying the petition is a copy of the Utility Patent Application Transmittal, filed April 12, 2000, for the instant application where the correct correspondence address appears.

A review of the file record indicates that the Utility Patent Application Transmittal originally filed with the application includes the correspondence address of record where papers should have been mailed by the USPTO. Pursuant to M.P.E.P. § 201.06(c), the address of record is the address provided in the Transmittal form. For this reason, the final Office action was not mailed to the correct correspondence address of record to duly give notice that a reply was due.

For the above stated reason, 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 application file is being forwarded to the Technology Center 2800 support staff for remailing the final Office action. The shortened statutory period for response will be reset to run from the date the Office action is remailed. Extensions of time are available under 37 C.F.R. § 1.136(a).

The attorneys identified in the appointment of new attorney filed in parent application serial number 098/030,564 are now attorneys of record and the address of record is the address as shown above. Petitioner is reminded that a copy of the revocation of power of attorney and appointment of new attorney submitted during prosecution of a parent application should be submitted with the continuing application(s) so that the USPTO may recognize the change and properly record this information. See M.P.E.P. § 201.06(c).

Inquiries regarding this decision should be directed to Hien H. Phan at (571) 272-1606.

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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STERNE KESSLER GOLDSTEIN & FOX PLLC
1100 NEW YORK AVENUE NW
WASHINGTON, DC 20005

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FEB 0 3 2006

OFFICE OF PETITIONS

In re Application of	:	
Graydon Beatty et al	:	
Application No. 09/548,102	:	DECISION GRANTING PETITION
Filed: April 12, 2000	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2384.002000E	:	

This is a decision on the petition, filed January 27, 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 December 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) 272-3218.

This matter is being referred to Technology Center AU 3736 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

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[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) (along with any balance due at the time of payment), 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

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HELLER EHRMAN, LLP
4350 LA JOLLA VILLAGE DRIVE #700
7TH FLOOR
SAN DIEGO, CA 92122

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JUN 12 2006

OFFICE OF PETITIONS

In re Application of Bruck, et. al. Application No. 09/548,188 Filed: April 12, 2000 Attorney Docket No. 24657-003B	: : : : :	DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed on December 5, 2005.

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

A review of the file record indicates that the power of attorney to all the attorneys or agents of record have been revoked by the assignee of the patent application. Accordingly, the request to withdraw under 37 CFR § 1.36(b) is moot.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an Office action mailed April 21, 2006 that requires a reply from the applicant.

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

Andrea Smith
Petitions Examiner
Office of Petitions

Conferee:

cc: LAW OFFICES OF BARRY N. YOUNG
260 SHERIDAN AVENUE
SUITE 410
PALO ALTO, CA 94306-2047

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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FEB 28 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Tatsuya Sasakawa, et al. :
Application No. 09/548,290 :
Filed: April 12, 2000 :
Attorney Docket No.: 0018-1098-0 :

This is a decision on the petition, filed February 21, 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 5, 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 1633 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
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).

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)
6,312,189	2001-11-06	09/548,333	2000-04-12	12482.08412

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	/Patrick M. Bergin/	Date (YYYY-MM-DD)	2010-01-12
Name	Patrick M. Bergin	Registration Number	54994

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
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In re Patent No. 6312189
Issue Date: November 6,2001
Application No. 09548333
Filed: April 12,2000
Attorney Docket No. 31,524

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

This is a decision on the electronic petition, filed January 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 January 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

COMMISSIONER FOR PATEN
UNITED STATES PATENT AND TRADEMARK OFFI
WASHINGTON, D.C. 2023
www.uspto.g

Paper No. 11

Rick A. Toering
Cooley Godward LLP
Attn: Patent Group
One Freedom Square, Reston Town Center
11951 Freedom Drive
Reston, VA 20190-5601

MAILED

JUN 1 9 2002

Technology Center 2100

In re Application of: Malcolm Lockhart et al.	)	
Application No.: 09/548,356	)	**DECISION ON REQUEST FOR**
Filed: April 12, 2000	)	**WITHDRAWAL AS ATTORNEY**
For: SYSTEM AND METHOD FOR	)	
DATA RIGHTS MANAGEMENT	)	

This is a decision on the Request To Withdraw from Representation filed January 16, 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 deficient in the following aspects: (1) There is no indication that the applicant has been informed of the request for withdrawal; (2) there is no statement that Rick A. Toering is ***authorized*** to sign on behalf of the other listed attorneys. Therefore, the request is **DENIED**.

All future communications from the United States Patent and Trademark Office (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
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Paper No. 8

FREDERICK W. GIBB, III
MCGINN & GIBB, PLLC
2568-A RIVA ROAD
SUITE 304
ANNAPOLIS MD 21401

MAIL

MAY 26 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Lorie, et al.
Application No. 09/548,359
Filed: April 12, 2000
For: AUTOMATIC METHOD OF DETECTION OF INCORRECTLY ORIENTED TEXT BLOCKS USING RESULTS FROM CHARACTER RECOGNITION

DECISION ON PETITION

This is a decision on the request to reconsider the holding of abandonment, filed on April 6, 2004 which is treated as a Petition to Withdraw the Holding of Abandonment pursuant to MPEP §711.03 and 37 C.F.R. §1.181(a). No fee is required.

*The petition is **granted**.*

This application became abandoned for failure to timely file a response to the Office action mailed November 27, 2002, which set a shortened statutory period of three (3) months to reply. A Notice of Abandonment was mailed on March 23, 2004.

Petitioner alleges to have timely filed a proper response to the Office action mailed November 27, 2002. In support, petitioner has provided as evidence, a copy of the response to said Office action, which included a Certificate of Facsimile Transmission dated February 21, 2003. Also included with the response is a copy of an Auto-Reply Facsimile Transmission indicating that a 17-page document from Petitioner was received in the U.S. Patent and Trademark Office on February 21, 2003.

37 C.F.R. § 1.8 Certificate of mailing or transmission states in part:
(a) Except in the cases enumerated in paragraph (a)(2) of this section, correspondence required to be filed in the Patent and Trademark Office within a set period of time will be considered as being timely filed if the procedure described in this section is followed. The actual date of receipt will be used for all other purposes.
(1) Correspondence will be considered as being timely filed if:
(i) The correspondence is mailed or transmitted prior to expiration of the set period of time by being:
(A) Addressed as set out in § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail; or
(B) Transmitted by facsimile to the Patent and Trademark Office in accordance with § 1.6(d); and
(ii) The correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated. [emphasis added]

Petitioner is also the one who executed the certificate of transmission. Thus, satisfying the personal statement requirement. Accordingly, it is deemed that the original response was received on February 21, 2003 and subsequently misplaced. The Notice of Abandonment is vacated and the holding of abandonment withdrawn.

The application file is being forwarded to the technical support staff for entry of the original response filed via facsimile transmission on February 21, 2003, and from there will be forwarded to the Examiner for appropriate action in due course.

For future reference, Applicants might want to note that all future facsimile transmissions to the Office should be to the Official Fax number for the entire Patent and Trademark Office (i.e., 703-872-9306).

Dwayne D. Bost
Special Program Examiner
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

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Office of Director
Technology Center 1600

#4

MARSHALL O TOOLE GERSTEIN MURRAY & BORUN
6300 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO , IL 60606-6402

In re Application of
Mark E. Gurney et al
Serial No.: 09/548,365
Filed: April 12, 2000
Attorney Docket No.:28341/6280E

: PETITION TO MAKE SPECIAL

This is in response to applicants' petition filed June 30, 2000, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII. Therefor the petition is **GRANTED**.

The following condition applies to the grant of this petition: If, upon examination, it is determined that a restriction requirement is necessary because of multiple inventions being claimed, applicant will be required to make an election without traverse of a single invention to be prosecuted. Failure to make an election without traverse will void the special status accorded in this decision.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-3599.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
PO Box 1450 Alexandria VA 22313-1450
WWW.USPTO.GOV

MAY 12 2004

MARSHALL, GERSTEIN AND BORUN
6300 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO IL 60606-6402

In re Application of	:
Gurney et al	:
Serial No.: 09/548,365	: Decision on Petition
Filing Date: 12 April 2000	:
Attorney Docket No. 29915/6280E	:

This letter is in response to the Petition filed 26 March 2004, with a certificate of mailing date of 22 March 2004, requesting withdrawal of the finality of the Office action mailed 21 January 2004.

On 29 April 2004, Applicants filed a letter requesting to withdraw the petition.

In view of applicants' request to have the petition withdrawn, the petition is now **DISMISSED**.

Should there be any questions with regard to this letter, please contact Special Program Examiner Julie Burke by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria VA 22313-1450 or by telephone at (571)-272-1600.

Jasemine C. Chambers

Jasemine Chambers
TC1600 Group Director

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
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SEP 19 2000
Office of Director
Technology Center 1600

MARSHALL O TOOLE GERSTEIN MURRAY & BORUN
6300 SEARS TOWER
233 SOUTH WACKER DRIVE
CHICAGO , IL 60606-6402

In re Application of
Mark E. Gurney et al
Serial No.: 09/548,368
Filed: April 12, 2000
Attorney Docket No.:28341/6280C

: PETITION TO MAKE SPECIAL

This is in response to applicants' petition filed June 30, 2000, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII. Therefor the petition is **GRANTED**.

The following condition applies to the grant of this petition: If, upon examination, it is determined that a restriction requirement is necessary because of multiple inventions being claimed, applicant will be required to make an election without traverse of a single invention to be prosecuted. Failure to make an election without traverse will void the special status accorded in this decision.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-3599.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3-20-06

TO SPE OF : ART UNIT 2623

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/548377 Patent No.: 6963655

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**.

Please check columns

B. Young
Certificates of Correction Branch
703-308-9390 ext. 117

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: _____

Matthew C. Bella

MATTHEW C. BELLA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600
SPE

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

Paper No. 25

Carlos A. Fisher
Allegan Inc.
2525 Dupont Drive
T2-7H
Irvine, CA 92612

COPY MAILED

OCT 2 3 2003

OFFICE OF PETITIONS

In re Application of	:	
Lance E. Stewart et al.	:	
Application No. 09/548,409	:	ON PETITION
Filed: April 13, 2000	:	
Attorney Docket No. 17282CIP(AP)	:	

This is a decision on the petition under 37 CFR 1.137(b) filed September 22, 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 February 24, 2003, 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 May 25, 2003.

The application file is being forwarded to Technology Center AU 1644 for processing the Request for Continued Examination pursuant to 37 CFR 1.114 filed with the instant petition.

Telephone inquiries regarding 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

KEATING & BENNETT, LLP
10400 EATON PLACE
SUITE 312
FAIRFAX VA 22030

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OCT 04 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Takahiro Oguchi	:
Application No. 09/548,414	:
Filed: April 13, 2000	:
Attorney Docket No. P/1071-985	:

This is a decision on the petition, filed May 26, 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 March 31, 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 2823 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : August 23, 2006

TO SPE OF : ART UNIT 1732

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/548511 Patent No.: 6,955,793 B1

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**.

Elisha Evans

Certificates of Correction Branch

703-308-9390 ext. 110

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: Please include Fig 8D, as submitted 10/5/05.

GLENN A. CALDARO
Supervisor PRIMARY EXAMINER
GROUP 1100
TC1700

SPE

1764
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MAY 25 2007

OFFICE OF PETITIONS

VERIZON
PATENT MANAGEMENT GROUP
1515 N. COURTHOUSE ROAD, SUITE 500
ARLINGTON VA 22201-2909

In re Application of	:	
Martin F. Roesch et al	:	
Application No. 09/548,547	:	DECISION GRANTING PETITION
Filed: April 13, 2000	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 99-406	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 30, 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 the issue fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of October 23, 2006, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Patent Publication.

Karen Creasy

Karen Creasy
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.g

Kenyon & Kenyon LLP
1500 K Street, NW, Ste. 700
Washington, DC 20005

Date Mailed : November 26, 2008
Serial No. :09/548719
Patent No. :7,373,587 B1
Patent Issued :May 13, 2008
Title : REPRESENTING SUB-EVENTS WITH PHYSICAL EXERTION ACTIONS

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.

A petition under C.F.R. 1.182 is required to correct the alleged error in an inventor's address, since the inventor's address is printed in accordance with the *"Residence Address in assigned patents or P.O. Box Address for not assigned patents"* on the Declaration. The error is the result of applicant's failure to comply with requirements that the complete and correct address be indicated, no correction is in order here under the provisions of Rule 1.322 or 1.323, unless a petition is granted.

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

Any petition under 37 CFR 1.182 should be directed to the attention of the Assistant Commissioner for Patents, using the following mailing address or FAX number.

By Mail: Commissioner of Patents and Trademarks
Box DAC
Washington, D.C. 20231

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

If, the petition under 37 CFR 1.182 (required fee currently $130), is filed and granted, the patentee would be entitled to a certificate of correction under 37 CFR 1.323 (required fee currently $100).

Magdalene Talley
For Mary Diggs Supervisor
Decisions and Certificate
Of Correction Branch
(703) 308-9390 ext. 116 or 125
FAX 571-270-9942

MD/mt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENYON & KENYON LLP
1500 K STREET N.W.
SUITE 700
WASHINGTON DC 20005

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APR 0 3 2009

OFFICE OF PETITIONS

In re Patent No. 7,373,587	:	
Application No. 09/548,719	:	
Filed: April 13, 2000	:	ON PETITION
Issued: May 13, 2008	:	
Attorney Docket No. 397/8	:	

This is a decision on the request to correct the inventors' addresses by way of Certificate of Correction, filed December 15, 2008, which is being treated as a petition under 37 CFR 1.182.

The request is **GRANTED**.

This matter is being referred to the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

A petition under 37 CFR 1.182 requires a petition fee of $400.00. The $130.00 fee and the duplicate $100.00 Certificate of Correction fee submitted with the instant petition will be applied towards the $400.00. Accordingly, an additional $170.00 will be charged to petitioner's deposit account as authorized to complete the petition fee.

Telephone inquiries concerning this decision may be directed to Joan Olszewski at (571) 272-7751. Inquiries regarding the certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

/Liana Walsh/
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, VA22313-1450
www.uspto.gov

FISH & NEAVE IP GROUP
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON MA 02110-2624

COPY MAILED

MAY 10 2007

OFFICE OF PETITIONS

In re Application of	:
Henry Kon et al.	:
Application No. 09/548,796	: DECISION ON PETITION
Filed: April 13, 2000	: UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. **INWB–P01-001**	:

This is a decision on the petition under 37 CFR 1.78(a)(6), filed February 21, 2007 to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional application set forth in the concurrently filed amendment.

The petition is **GRANTED**..

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application as required by 37 CFR 1.78(a)(5)(iii). Further, the nonprovisional application claiming the benefit of the prior-filed provisional application must have been filed within twelve months of the filing date of the prior-filed provisional application.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. ***§119(e)*** is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 2166 for consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application.

Nancy Johnson for

Charles Pearson
Director,
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
09/548,796	04/13/2000	2166	738	INWB-P01-001	21	3

CONFIRMATION NO. 7599

CORRECTED FILING RECEIPT

OC000000023777459

OC000000023777459

28120
FISH & NEAVE IP GROUP
ROPES & GRAY LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110-2624

Date Mailed: 05/09/2007

Receipt is acknowledged of this regular 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 mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Henry Kon, Lexington, MA;
George Burch, Boston, MA;

Power of Attorney: The patent practitioners associated with Customer Number **28120**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/129,103 04/13/1999

Foreign Applications

If Required, Foreign Filing License Granted: 06/27/2000

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US09/548,796

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

SYSTEMS AND METHODS FOR EMPLOYING AN ORTHOGONAL CORPUS FOR DOCUMENT INDEXING

Preliminary Class

707

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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

CESARI AND MCKENNA, LLP
88 BLACK FALCON AVENUE
BOSTON MA 02210

COPY MAILED

DEC 3 0 2002

OFFICE OF PETITIONS

ON PETITION

In re Application of
Paul Andrew Cronk
Application No. 09/548,862
Filed: April 13, 2000
Attorney's Docket No. 102055-0008P1

This is a decision on the petition under 37 CFR 1.137(b), filed July 31, 2002, by facsimile transmission, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned on August 9, 2001 for failure to timely submit a proper reply to the non-final Office action mailed on May 8, 2001, which set a three (3) month shortened statutory period for reply. The petition and this decision precedes the mailing of a Notice of Abandonment.

On September 17, 2001, in response to an amendment filed September 4, 2001, petitioners were mailed a Notice of Non-Compliant Amendment (37 CFR 1.121). No responses were filed and no extensions of time under 37 CFR 1.136(a) were obtained.

Comes now the petitioner claiming not to have received the September 17, 2001 Notice and asserting that petitioner's current address was indicated in the September 4, 2001 amendment.

Petitioner's attention is directed to Section 601.03 MPEP concerning change of correspondence address. The attorney or agent is responsible for promptly notifying the Office of any change of address. The notification should be provided in such a manner as to call attention to the fact that a change of address is being made. The mere inclusion, in a paper being filed for another purpose, of an address which is different from the previously provided correspondence address, without mention of the fact that an address change is being made, would not ordinarily be recognized or deemed as instructions to change the correspondence address on the file records. There is no indication that a change of address had been filed in this case prior to the

mailing of the Notice of Non-Compliant Amendment mailed September 17, 2001. [1]

As authorized, the petition fee in the amount of $620.00 has been charged to Deposit Account No. 03-1237.

This application is being forwarded to Technology Center 2800 for appropriate action on the papers filed July 31, 2002 in response to the September 17, 2001 Notice.

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
Office of the Deputy Commissioner
for Patent Examination Policy

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[1]A change of address in accordance with MPEP 601.03 was subsequently filed April 11, 2002.

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER
	013105

DATE MAILED:

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

Commissioner for Patents

Decision on Petition for Inventorship

Gailene R. Gabel
Patent Examiner
Art Unit 1641
January 31, 2005

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Joel G. Ackerman
02558B-06310US
Townsend and Townsend and Crew LLP
Two Embarcadero Center, Eight Floor
San Francisco, CA 94111-3834

Application Number: 09/548,883
Filing Date: April 13, 2000
In re Application: WATKINS ET AL.

DECISION ON PETITION

This is a decision on the petition, filed May 26, 2004, to correct inventorship under 37 CFR 1.48(a).

The petition is granted.

In accordance with the petitioner's request, Richard B. Edwards will be listed in the above identified application as a joint inventor.

Christopher L. Chin for

CHRISTOPHER L. CHIN
PRIMARY EXAMINER
GROUP ~~1800~~ 1641

Long V. Le
Supervisory Patent Examiner
Art Unit 1641
(571) 272-0823

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 03-05

Paper No: __

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MAR 2 5 2005

OFFICE OF PETITIONS

IBM CORPORATION
PO BOX 12195
DEPT 9CCA, BLDG 002
RESEARCH TRIANGLE PARK NC
27709

In re Application of	:	
Bass, et al.	:	
Application No. 09/548,906	:	DECISION
Filing Date: 13 April, 2000	:	
Attorney Docket No. RAL9-99-0127	:	

This is a decision on the petition filed on 10 March, 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 11 May, 2004, with response due absent extension of time on or before 11 August, 2004;
- the application went abandoned after midnight 11 August, 2004;
- the application went abandoned after midnight 12 November, 2004;

- it appears that the Office did not mail a Notice of Abandonment before the instant petition was filed;
- on 10 March, 2005, Petitioner filed the instant petition and fee, the reply in the form of an after-final amendment, and made the statement of unintentional delay;
- the examiner has allowed entry of the after-final amendment.

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).[1]

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.[2]

Delays in responding properly raise the question whether delays are unavoidable.[3] 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).[4] And the Petitioner must be diligent in attending to the matter.[5] 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

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[1] 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.

[2] 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.

[3] 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).

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

[5] 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.

regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

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 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

[6] 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.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20061003

DATE : October 3, 2006

TO SPE OF : ART UNIT 2617

SUBJECT : Request for Certificate of Correction on Patent No.: 7,039,372 B1

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:

WILLIAM TROST
SUPERVISORY PATENT EXAMINER
for TECHNOLOGY CENTER 2600
SPE: Marsha Banks-Harold **Art Unit** 2617

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO.: 7,039,372 B1 Page 1 of
DATED: May 2, 2006
INVENTOR(S): Sorrells et al.

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

See attached

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
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO: 7,039,372 B1
DATED: May 2, 2006
INVENTOR(S): Sorrells *et al.*

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

On the front page, in the References Cited Section (56) under U.S. Patent Documents, please insert:

- - 6,421,534 B1	07/2002 Cook *et al.*
6,330,244 B1	12/2001 Swartz *et al.*
4,384,357	05/1983 deBuda *et al.*
4,470,145	09/1984 Williams
5,600,680	02/1997 Mishima *et al.*
5,606,731	02/1997 Pace *et al.*
5,870,670	02/1999 Ripley *et al.*
6,314,279 B1	11/2001 Mohindra
5,633,815	05/1997 Young
3,246,084	04/1966 Kryter
3,702,440	11/1972 Moore
3,767,984	10/1973 Shinoda *et al.*
3,852,530	12/1974 Shen
4,220,977	09/1980 Yamanaka
5,016,242	05/1991 Tang
5,937,013	08/1999 Lam *et al.*
6,014,551	01/2000 Pesola *et al.*
6,073,001	06/2000 Sokoler
6,085,073	07/2000 Palermo *et al.*
6,400,963 B1	06/2002 Glöckler *et al.*
6,230,000 B1	05/2001 Tayloe
5,483,695	01/1996 Pardoen
6,542,722 B1	04/2003 Sorrells *et al.*
6,560,301 B1	05/2003 Cook *et al.*
6,098,046	08/2000 Cooper *et al.*
5,410,326	04/1995 Goldstein
5,956,025	09/1999 Goulden *et al.*
6,127,941	10/2000 Van Ryzin - -

MAILING ADDRESS OF SENDER (Please do not use customer number below):

1100 New York Avenue, NW
Washington DC 20005-3934
Atty. Dkt. No. 1744.0020003

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 are required 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.**

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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO: 7,039,372 B1
DATED: May 2, 2006
INVENTOR(S): Sorrells *et al.*

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

On the front page, in the References Cited Section (56) under Foreign Patent Documents, please insert:

-- EP	0 254 844 A2	02/1988
EP	0 632 577 A1	01/1995
JP	60-130203	07/1985
DE	196 27 640 A1	01/1997
EP	0 087 336 A1	08/1983
EP	0 087 336 B1	07/1986
EP	0 789 449 A2	08/1997
FR	2 669 787 A1	05/1992
GB	2 324 919 A	11/1998
JP	61-30821	02/1986
JP	5-327356	12/1993
WO	00/31659 A1	06/2000
JP	9-36664	02/1997
DE	196 48 915 A1	06/1998 --

On the front page, in the References Cited Section (56) under Other Publications, please insert:

-- Translation of Japanese Patent Publication No. 60-130203, 3 pages (July 11, 1985 - date of publication of application).

Razavi, B., "A 900-MHz/1.8-Ghz CMOS Transmitter for Dual-Band Applications," *Symposium on VLSI Circuits Digest of Technical Papers*, IEEE, pp. 128-131 (1998).

Ritter, G.M., "SDA, A New Solution for Transceivers," *16th European Microwave Conference*, Microwave Exhibitions and Publishers, pp. 729-733 (September 8, 1986).

DIALOG File 351 (Derwent WPI) English Language Patent Abstract for FR 2 669 787, 1 page (May 29, 1992- Date of publication of application).

MAILING ADDRESS OF SENDER (Please do not use customer number below):
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Washington DC 20005-3934
Atty. Dkt. No. 1744.0020003

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 are required 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 (1-800-786-9199) and select option 2.

PTO/SB/44 (04-05)
Approved for use through 04/30/2007. OMB 0651-0033
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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO: 7,039,372 B1
DATED: May 2, 2006
INVENTOR(S): Sorrells *et al.*

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

Akos, D.M. *et al.*, "Direct Bandpass Sampling of Multiple Distinct RF Signals," *IEEE Transactions on Communications*, IEEE, Vol. 47, No. 7, pp. 983-988 (July 1999).

Patel, M. *et al.*, "Bandpass Sampling for Software Radio Receivers, and the Effect of Oversampling on Aperture Jitter," *VTC 2002*, IEEE, pp. 1901-1905 (2002).

English-language Abstract of Japanese Patent Publication No. 61-030821, 1 Page (February 13, 1986- Date of publication of application).

English-language Abstract of Japanese Patent Publication No. 05-327356, 1 Page (December 10, 1993 - Date of publication of application).

Tayloe, D., "A Low-noise, High-performance Zero IF Quadrature Detector/Preamplifier," *RF Design*, Primedia Business Magazines & Media, Inc., pp. 58, 60, 62 and 69 (March 2003).

Dines, J.A.B., "Smart Pixel Optoelectronic Receiver Based on a Charge Sensitive Amplifier Design," *IEEE Journal of Selected Topics in Quantum Electronics*, IEEE, Vol. 2, No. 1, pp. 117-120 (April 1996).

Simoni, A. *et al.*, "A Digital Camera for Machine Vision," *20th International Conference on Industrial Electronics, Control and Instrumentation*, IEEE, pp. 879-883 (September 1994).

Stewart, R.W. and Pfann, E., "Oversampling and sigma-delta strategies for data conversion," *Electronics & Communication Engineering Journal*, IEEE, pp. 37-47 (February 1998). - -

In column 3, line 61, delete "FIGS. 32A-31C" and insert therefor - - FIGS. 32A-32C - -.

In column 68, delete line 57 and insert therefor

- - $(Freq_{input}-Freq_{IF})/n = Freq_{control}$ (901 MHZ-1 MHZ)/n = 900/n - -.

In column 69, delete line 19 and insert therefor

- - $(Freq_{input}-Freq_{IF})/n = Freq_{control}$ (900 MHZ-0 MHZ)/n = 900 MHz/n - -.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

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Washington DC 20005-3934
Atty. Dkt. No. 1744.0020003

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 are required 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 (1-800-786-9199) and select option 2.

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: 7,039,372 B1
DATED: May 2, 2006
INVENTOR(S): Sorrells *et al.*

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

In column 69, delete line 50 and insert therefor

- - $(Freq_{input}\text{-}Freq_{IF})/n = Freq_{control}$ (900 MHZ-0 MHZ)/n = 900 MHz/n - -

In column 74, line 19, delete "or 32" and insert therefor - - or $3\pi/2$ - -.

In column 84, line 18, delete "or said phase" - - of said phase - -.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
1100 New York Avenue, NW
Washington DC 20005-3934
Atty. Dkt. No. 1744.0020003

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 are required 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 (1-800-786-9199) and select option 2.

2 6 MAR 2010

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LOEB & LOEB LLP
321 N. CLARK STREET, SUITE 2300
CHICAGO IL 60654

In re Application of	:	
AARL, INC.	:	DECISION
PCT No.: PCT/NL99/00618	:	
Date of Receipt: 06 October 1999	:	
Priority Date Claimed: 06 October 1998	:	
Attorney's Docket No.: None	:	
For: TRANSFORMATION SYSTEMS IN THE	:	
FIELD OF FILAMENTOUS FUNGUS	:	
HOSTS: IN CHRYSOSPORIUM	:	

This is in response to applicant's "Petition Under 37 C.F.R. § 1.78(a)(3)" filed in U.S. application no. 10/257,629 on 13 October 2009. Because that communication requests correction of a benefit claim in the above-captioned international application, the communication has additionally been treated as a petition under 37 CFR 1.182 in the above-captioned international application. The $400 petition fee has been charged to Deposit Account No. 50-2547, as authorized in the communication.

BACKGROUND

On 06 October 2009, applicants filed international application number PCT/NL99/00618. This application claimed priority to international application number PCT/EP98/06496 filed 06 October 1998.

On 13 October 2009, applicants filed the instant petition under 37 CFR 1.182.

DISCUSSION

The instant petition requests that international application PCT/NL99/00618 be amended to specify that it is a Continuation-In-Part under 35 U.S.C. § 120 of the prior filed international application PCT/EP98/06496.

An international application designating the United States filed before November 29, 2000 may be amended to add a claim to the benefit of a prior-filed international application

designating the United States (regardless of whether the later-filed international application was filed in the United States Receiving Office) by filing a petition under 37 CFR 1.182. See "Requirements for Claiming the Benefit of Prior-Filed Applications Under Eighteen-Month Publication of Patent Applications", 67087 **Federal Register**, Vol. 66, No. 249, Friday, December 28, 2001, 67092, Comment 6.

The petition filed 13 October 2009 is proper and international application PCT/NL99/00618 is deemed to be amended as to the United States of America to specify that it is a Continuation-In-Part under 35 U.S.C. § 120 of the prior filed international application PCT/EP98/06496.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.182 is **GRANTED**.

As the Office does not maintain a separate application file for international application PCT/NL99/00618, this decision shall be placed in the corresponding U.S. application files 10/257,629 and 09/548,938 to which benefit under 35 U.S.C. 120 and 365(c) to PCT/NL99/00618 is claimed.

/Daniel Stemmer/

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (571) 272-3301

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/2/2007

TO SPE OF : ART UNIT **2800 (2817)**

SUBJECT : Request for Certificate of Correction on Patent No.: **7,170,361**

Attn: Benny Lee

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

Please complete this form and forward within **7** days to: **Scanning customer Support**

Send copy also via PTO mail to:
Certificates of Correction Branch – 2900 South Tower 9A39A
Palm location **7580** - Tel. No. 308-8309

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.

Ok to make changes as requested in COCIN in eDan/Madras?

Ernest C. White, LIE - 308-9390x122
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:

Robert Pascal
Supervisory Patent Examiner
Technology Center 2800

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/24/07

TO SPE OF : ART UNIT 3761

SUBJECT : Request for Certificate of Correction for Appl. No.: 09548957 Patent No.: 6485453

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 Jackson
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.

Please Note one of these Boxes

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

Comments: _____

SPE

3763
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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SEYFARTH SHAW LLP
131 S. DEARBORN ST., SUITE 2400
CHICAGO, IL 60603-5803

Mail Date: 07/02/2010

Applicant	: Oliver Ho	: DECISION ON REQUEST FOR
Patent Number	: 6592458	: RECALCULATION of PATENT
Issue Date	: 07/15/2003	: TERM ADJUSTMENT IN VIEW
Application No	: 09/549,012	: OF WYETH
Filed	: 04/14/2000	:
		:

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

ANDREW L. KLAWITTER
BAYER CORPORATION
511 BENEDICT AVENUE
TARRYTOWN, NY 10591

COPY MAILED

MAR 0 7 2005

OFFICE OF PETITIONS

In re Application of :
Farrell, Gregory A. :
Application No. 09/549,036 : ON PETITION
Filed: April 13, 2000 :
Attorney Docket No. MST-2322.1 (BYR-83) :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 29, 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 March 13, 2003. A three-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, this application became abandoned on September 14, 2003. A Notice of Abandonment was mailed December 2, 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 statement of unintentional delay was signed by a person who would have been in a position of knowing 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. Nevertheless, in accordance with 37 CFR 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 unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

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) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: CHARLES B. RODMAN
7 SOUTH BROADWAY
WHITE PLAINS, NY 10601

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ANDREW L. KLAWITTER
BAYER CORPORATION
511 BENEDICT AVENUE
TARRYTOWN, NY 10591

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MAR 0 7 2005

OFFICE OF PETITIONS

In re Application of
Farrell, Gregory A.
Application No. 09/549,036
Filed: April 13, 2000
Attorney Docket No. MST-2322.1 (BYR-83)

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 29, 2004, to revive the above-identified application.

The petition is **GRANTED.**

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This matter is being referred to Technology Center 1700 for further examination on the merits.

BEST AVAILABLE COPY

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: CHARLES B. RODMAN
7 SOUTH BROADWAY
WHITE PLAINS, NY 10601

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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)
6313762	2001-11-06	09549080	2000-04-15	

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	/Donald N. Halgren/	Date (YYYY-MM-DD)	2007-07-12
Name	Donald N. Halgren	Registration Number	27056

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. 6313762
Issue Date: November 6,2001
Application No. 09549080
Filed: April 15,2000
Attorney Docket No. KB-CIP-1-B

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

This is a decision on the electronic petition, filed July 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 July 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 Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

AT&T CORP.
ROOM 2A207
ONE AT&T WAY
BEDMINSTER, NJ 07921

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JUN 27 2008

OFFICE OF PETITIONS

In re Patent of William Turin	:	
Patent No. 6,700,937	:	
Issue Date: March 2, 2004	:	Decision on Petition
Application No. 09/549,201	:	
Filing Date: April 13, 2000	:	
Attorney Docket No. Turin 1999-0078	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 17, 2008, to revive the above-identified application.

The petition is **dismissed as moot**.

The Office mailed a Notice of Allowance on October 29, 2003. The Notice required the submission of the issue fee of $1,330.

The issue fee was timely paid on January 16, 2004.

The application issued as a patent on March 2, 2004.

The instant petition seeks to revive the application. The petition was filed with a petition fee of $1,540, an issue fee of $1,440, a publication fee of $300, and $3 for an advanced copy of patent.

The instant petition cannot be granted because the application is not abandoned. Therefore, the petition is dismissed as moot.

The fees submitted with the petition have been refunded.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

FISH & RICHARDSON
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Hongyong Zhang et al	:	
Application No. 09/549,215	:	ON PETITION
Filed: April 13, 2000	:	
Attorney Docket No. 07977/158004/US3366D3	:	

This is a decision on the petition, filed May 4, 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 April 13, 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]

The instant petition under 37 CFR 1.313(c)(2), the RCE and the IDS, filed on May 4, 2006, are not signed by an attorney of record. However, in accordance with 37 CFR 1.34(a), the signature of Barbara A. Benoit 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. Benoit 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. Benoit, the petitioner herein. Until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

---

[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).

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center Art Unit 2871 for processing of the request for continued examination under 37 CFR 1.114 filed May 4, 2006.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc:
FISH & RICHARDSON
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

ROBERT DEBERARDINE
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK IL 60064-6008

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JAN 19 2006

OFFICE OF PETITIONS

In re Application of	:
Colpitts et al.	:
Application No. 09/549,342	: Decision on Petition for
Filing Date: April 13, 2000	: Patent Term Extension
For: REAGENTS AND METHODS USEFUL	:
FOR DETECTING DISEASES OF THE	:
REPRODUCTIVE TISSUES	:

The above-identified application has been forwarded to the undersigned for consideration on the petition styled as "Request for Reconsideration Concerning Document Entitled Determination of Patent Term Extension Under 35 U.S.C. 154(b)," which was received on February 25, 2005, for the above-identified application. See 35 U.S.C. § 154(b) and 37 CFR 1.701.

The petition is dismissed.

The petition appears to be a petition under 37 CFR 1.182, however the required fee has not been paid. After mailing of this decision, the above-identified application will be returned to the Office of Publications. The rules and statutory provisions governing the operations of the U.S. Patent and Trademark Office require payment of a fee on filing each petition. *See* 35 U.S.C. § 41(a)(7).

Any request for reconsideration of this decision must be submitted as a petition under either 37 CFR 1.182 or 37 CFR 1.183 with the required fee within TWO (2) MONTHS of the patent issue date.

Telephone inquiries with regard to this communication should be directed to Mark O. Polutta at (571) 272-7709.

Mark O. Polutta
Senior Legal Advisor
Office of Patent Legal Administration
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
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ROBERT DEBERARDINE
ABBOTT LABORATORIES
100 ABBOTT PARK ROAD
DEPT. 377/AP6A
ABBOTT PARK IL 60064-6008

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OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Tracey L. Colpitts et al	:
Application No. 09/549,342	:
Filed: April 13, 2000	:
Attorney Docket No. 5972.US.P6	:

This is a decision on the petition filed September 1, 2006, under 37 CFR 1.181(a) to withdraw holding of abandonment, or, in the alternative, under 37 CFR 1.137(b) to revive the above-identified application.

The petition under 37 CFR 1.181(a) is **DISMISSED**.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application was held abandoned for failure to timely reply to the Notice Regarding Drawings mailed April 29, 2005. A review of the file record does not show that a timely reply (from an **appropriate** party (see 37 CFR 1.33(b)) to the Notice of April 29, 2005 was ever received. Petitioner had an obligation to submit a written response pursuant to 35 U.S.C. §133 and 37 C.F.R. 1.135.

In view of the above, the petition to withdraw the holding of abandonment cannot be granted at this time.

However, the petition under 37 CFR 1.137(b) to revive the above-identified application, 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 (571) 272-3208.

The application file is being forwarded to the Office of Patent Publication and for review of the copy[1] of the drawings submitted with the petition on September 1, 2006.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

[1]Office records do show that formal drawings (2 sheets) were filed on February 26, 2002.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

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JAN 14 2005
OFFICE OF PETITIONS

In re Application of :
Girish V. Prabhu et al :
Application No. 09/549,356 : ON PETITION
Filed: April 14, 2000 :
Attorney Docket No. 79556/PRC :

This is a decision on the petition under 37 CFR 1.137(b), filed December 17, 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 April 23, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provision of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 24, 2004.

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 extension of time submitted with the petition on December 17, 2004 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 revived solely for purposes of continuity with a Request For Continued Examination (RCE) filed on December 17, 2004.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

The matter is being forwarded to Technology Center AU 2612 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. 5

MYERS BIGEL SIBLEY & SAJOVEC
P.O. BOX 37428
RALEIGH, NC 27627

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MAR 07 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Michael Brader-Araje et al.
Application No. 09/549,370
Filed: April 13, 2000
Attorney Docket No. 9144-5

DECISION GRANTING
PETITION

This is a decision on the petition filed on January 19, 2001, requesting that the above-identified application be accorded a filing date of April 13, 2000, rather than the presently accorded filing date of April 14, 2000.

Petitioners request the earlier filing date on the basis that the application was purportedly deposited in Express Mail service on April 13, 2000, pursuant to 37 CFR 1.10, but the "date-in" on petitioner's "Express Mail" mailing label is not legible. In further support, petitioners have submitted a copy of an USPS record styled "Pickup Service Statement - Express mail, Priority Mail, or Parcel Post" showing that a package bearing Express Mail label No. EL533612137US was picked up by the USPS from counsel's office on April 13, 2000.

Since the evidence from the USPS, namely, the Express Mail Pickup Service Statement, corroborates a "date-in" of April 13, 2000, the Petition is granted. Since the petition was a result of PTO error, the $130.00 petition fee is being refunded to counsel's deposit account.

The application is being returned to Initial Patent Examination Division for correction of the filing date to April 13, 2000.

Telephone inquiries specific to this matter should be directed to Wan Laymon at (703) 306-5685.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Paper No. 18

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OFFICE OF PETITIONS

Jennifer H. Hammond
Sonnenschein Nath & Rosenthal
4520 Main Street, Suite 1100
Kansas City, MO 64111

In re Application of	:	
Becki Speakman	:	
Application No. 09/549,445	:	ON PETITION
Filed: April 14, 2000	:	
Attorney Docket No. 70015060.02	:	

This is a decision on the petition under 37 CFR 1.137(b), filed November 3, 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 January 27, 2003, which set a shortened statutory period for reply of three (3) months. A two-month extension of time under the provisions of 37 CFR 1.136(a) has been obtained. Accordingly, the above-identified application became abandoned on June 27, 2003.

The application is being forwarded to Technology Center AU 1756.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20060719

DATE : July 19, 2006

TO SPE OF : ART UNIT 2121

SUBJECT : Request for Certificate of Correction on Patent No.: 6,947,917

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: Anthony Knight **Art Unit** 2121

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 9

McNair Law Firm, P.A.
P. O. Box 10827
Greenville, SC 29603-0827

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JUN 2 6 2002

OFFICE OF PETITIONS

In re Application of :
Scott O. Seydel, et al. :
Application No. 09/549,647 :
Filed: April 14, 2000 :
Attorney Docket No. SYC28C (032785.00046) :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 2, 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 final Office action mailed October 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 application became abandoned on January 23, 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 $460 extension of time submitted with the petition on May 2, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account no. 50-2079.

The above-identified application is being revived solely for purposes of continuity with a continued prosecution application (CPA) filed on May 2, 2002.

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 the Technology Center 1700, Art Unit 1751 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 PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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Garlick, Harrison & Markison, LLP
P.O. Box 160727
Austin, Texas 78716

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NOV 0 2 2004

Technology Center 2100

In re Application of: Leonard J. Disanza et al.	)	
Application No.: 09/549,651	)	
Filed: April 14, 2000	)	**DECISION ON PETITION UNDER 37**
For: COMPUTER PERIPHERAL DEVICE	)	**C.F.R. § 1.181 TO WITHDRAW**
INCORPORATING INFRARED	)	**HOLDING OF ABANDONMENT**
TRANSMISSIONS	)	

This is a decision on the petition filed August 9, 2004 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 respond in a timely manner to the Office Action mailed January 8, 2004. A Notice of Abandonment was mailed July 26, 2004.

A review of the file record indicates that the response was received on July 13, 2004 and has been matched to the file. Therefore, the record is clear that the application was ***not abandoned in fact*** and a Notice of Abandonment should not have been issued. Therefore, the petition is **GRANTED**. The Notice of Abandonment is withdrawn.

The office regrets any inconvenience caused by the mailing of the Notice of Abandonment.

The application file is being forwarded to the Technology Center support staff for processing of the response. The file 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
(571) 272-3599

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY OF COMMERCE AND
COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, DC 2023

March 17, 2002

Constantine Marnatidis
Christine Parker & Hale
P.O. Box 7068
Pasadena, CA 91109-7068

In re application of:
Caleb Chung DECISION ON PETITION
Serial No.: 09/549,727
Filed: April 14, 2000

For: CLUTCH

This is a decision on the petition received on September 28, 200l, 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 July 28, 2000. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned August 29, 2000.

On September 28, 200l, the office received a communication from the attorney of record. Enclosed was an acknowledgment that the attorney never received the Notice to File Missing Part mailed July 28, 2000.

The evidence submitted is sufficient to establish that the petitioners did not receive the Notice to File Missing Parts of Application mailed July 28, 2000.

The petition is hereby GRANTED.

A new Notice to File Missing Part is enclosed with the decision setting forth a new response period two months from the date of the notice.

Telephone inquiries concerning this matter may be directed to Doshie E. Day at (703) 308-3640.

Doshie E. Day
Program Management Assistant
Office Initial Patent Examination.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 03/23/10

TO SPE OF : ART UNIT 2178

SUBJECT : Request for Certificate of Correction for Appl. No 09/549,814 7028056

Please respond to this request for a certificate of correction within 7 days.

FOR IFW FILES:

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**.

FOR PAPER FILES:

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)

Should the change(s) Be made?

RoChaun Johnson
Certificates of Correction Branch
571 272-0470

Thank You For Your Assistance

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

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

Comments: _____

/John E Breene/ — **SPE**

2162 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/549,848	04/14/2000	Michael Lassner	17133/02/US	9155

46795 7590 10/10/2006

FULBRIGHT & JAWORSKI, LLP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TX 78745

EXAMINER
COLLINS, CYNTHIA E

ART UNIT	PAPER NUMBER
1638	

DATE MAILED: 10/10/2006

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

UNITED STATES DEPARTMENT OF COMMERCE
U.S. Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450

APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.

EXAMINER

ART UNIT	PAPER

20060814

DATE MAILED:

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

Commissioner for Patents

Cynthia Collins
Primary Examiner
Art Unit: 1638

#30

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In re Patent No. 6,541,259 Issue Date: April 1, 2003 Appl No.: 09/549,848 Filed: April 14, 2000 For: LASSNER ET AL.	: : : : : : : :	**DECISION GRANTING PETITION** *37 CFR 1.324*

This is a decision on the petition filed February 4, 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.

Anne Marie Grunberg
Supervisory Patent Examiner
Art Unit 1638
Technology Center 1600

FULBRIGHT & JAWORSKI, LLP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TX 78745

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No.

HOLLIE L. BAKER
HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

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OFFICE OF PETITIONS

In re Application of :
James McShane et al :
Application No. 09/549,858 : ON PETITION
Filed: April 14, 2000 :
Attorney Docket No. 109536.132 :

This is a decision on the petition, filed May 3, 2002, 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 March 27, 2002 (certificate of mailing March 18, 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]

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 should be directed to Irvin Dingle at (703) 306-5684.

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[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.**

The application is being forwarded to Technology Center AU 1614 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks

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

cc:

Edward D. Grieff
Hale and Dorr LLP
The Willard Office Building
1455 Pennsylvania Avenue, NW
Washington, DC 20004

#11
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
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JUN - 6 2002

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JUN - 6 2002

OFFICE OF THE DIRECTOR
TC 3600

Theodore P. Lopez
SKJERVEN MORRILL MacPHERSON LLP
25 Metro Drive, Suite 700
San Jose, CA 95110

In re application of	:	
(Charles Bluth et al.)	:	
Serial Number: 09/549,972	:	DECISION ON PETITION
Filed: 04/14/2000	:	TO CORRECT INVENTORSHIP
For: Health Care Kiosk with Handicapped	:	UNDER 37 CFR. 1. 48
Accessible Seat	:	

This is a decision on the petitions filed on March 20, 2002 under 37 CFR 1.48 to correct the inventorship of the above identified application. A petition fee of $130.00 was included.

The application was filed on April 14, 2000 listing Charles P. Bluth and James C. Bluth as the inventors. On March 20, 2002, applicants filed the present petition to add Raymond G. Bryan and Jim C. Lovell as joint inventors. A written consent of the assignee, and a declaration executed by each inventor is included in the petition. Also included is a statement from each person being added as an inventor that the error in inventorship occurred without deceptive intention on his part.

In view of the petition, it has been found that the application, as filed, through error and without deceptive intent, improperly set forth the inventorship. Accordingly, this application has been corrected in compliance with 37 CFR 1.48 (a). The inventorship of this application has been changed to Charles P. Bluth, James C. Bluth, Raymond G. Bryan and Jim C. Lovell.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and USPTO PALM data to reflect the inventorship as corrected.

Summary: Decision on Petition GRANTED.

Lanna Mai

Lanna Mai
Supervisory Patent Examiner
Technology Center 3600
(703) 308-2486
Facsimile No.: (703) 872-9326

lm: 5/30/02

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United States Patent and Trademark Office
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Silversky Group, Inc.
5422 Longley Lane, Suite B
Reno, NV 89511

Paper No. 14

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OFFICE OF PETITIONS

ON PETITION

In re Patent No. 6,428,124 :
Issue Date: August 6, 2002 :
Application No. 09/549,972 :
Filed: April 14, 2000 :
Attorney Docket No. 300017-00001 :

This is a decision on the petition under 37 CFR 1.378(c), filed March 21, 2008, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on August 7, 2006 for failure to pay the three 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 Kimberly Inabinet at (571) 272-4618.

The patent file is being forwarded to Files Repository.

Carl Friedman
Petitions Examiner
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

June 19, 2002

Russell L. McIlwain
Jones, Day, Reavis & Pogue
77 West Wacker
Chicago, IL 60601-1692

In re application of:
Agneta Grandin-Drevin et al
Serial No.: 09/549,997
Filed: April 14, 2000

DECISION ON PETITION

For: TELEPHONE PLUG SYSTEM

This is a decision on the petition received May 29, 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 a timely manner to the Notice to File Missing Parts of Application mailed June 22, 2000. Which set a shortened statutory period for rely of two (2) months. Accordingly, this application became abandoned August 23, 2000.

On May 29, 2001, the office received a communication from the attorney of record. Enclosed was an acknowledgment that counsel never received the Notice of Missing Parts mailed on June 22, 2000.

The evidence submitted is sufficient to establish that the petitioners did not receive the Notice of Missing Parts mailed June 22, 2000.

The petition is hereby GRANTED.

The application has been completed for release to Technology Center 2742.

Telephone inquiries concerning this matter may be directed to Doshie E. Day at (703) 308-3640.

Doshie E. Day
Program Management Assistant
Office Initial Patent Examination.

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Paper No. 13

Ronald A. Sandler
Jones Day Reavis & Pogue
77 West Wacker Drive
Chicago, IL 60601-1692

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NOV 13 2003

OFFICE OF PETITIONS

In re Application of :
Agenta Grandin-Drevin et al. :
Application No. 09/549,997 :
Filed: April 14, 2000 :
Attorney Docket No. Skabboren AB :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 19, 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 November 6, 2002, which set a shortened statutory period for reply of three months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on February 7, 2003.

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 May 19, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being forwarded to Technology Center AU 2644.

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

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7/13/07

LOUIS WOO
LAW OFFICE OF LOUIS WOO
1901 NORTH FORT MYER DRIVE
SUITE 501
ARLINGTON, VA 22209

In re Application of: MacLean, David R. Serial No.: 09/550,049 Filed: April 14, 2000 Docket: 0100/0091 Title: SAFETY DEVICE FOR USE WITH A VIAL	DECISION ON PETITION

This is a decision on the petition filed on March 15, 2007 seeking to either allow the case or forward the case to the Board of Patent Appeals and Interferences for adjudication. This petition is being considered pursuant to 37 CFR §1.181. No fee is required for this petition.

The petition is dismissed.

In the petition, the petitioner requests that the examiner close prosecution by either allowing the claims or forwarding the application to the Board of Patent Appeals and Interferences.

The record shows that:

1) On November 5, 2002 the examiner mailed a Non-Final Office Action rejecting claims 1-6 and withdrawing claims 7-21 from further consideration.
2) On January 30, 2003, the applicant filed an amendment in response to the November 5, 2002 Office Action.
3) On May 6, 2003 the examiner mailed a second Non-Final Office Action.
4) On August 5, 2003, the applicant filed an amendment in response to the May 6, 2003 Office Action.
5) On October 22, 2003, the examiner mailed a Final Office Action rejecting all pending claims
6) On January 13, 2004, the applicant filed an amendment after final.
7) On February 2, 2004, the examiner issued an Advisory Action allowing claims 1-6, but maintained the rejection of claims 22-27.
8) On February 5, 2004, the applicant filed a response to the Feb. 2, 2004 Advisory Action along with a one-month extension of time.

9) On February 17, 2004, the examiner issued a second Advisory Action again maintaining the rejection of claims 22-27.
10) On February 20, 2004, the petitioner filed a notice of appeal followed with an appeal brief on April 15, 2004, appealing the final rejection of claims 22-27.
11) On December 13, 2004, the examiner reopened prosecution by issuing a Final Office Action maintaining the rejection of claims 22-27 and allowing claims 1-6.
12) On February 11, 2005, the petitioner filed a request for reinstatement of the appeal along with a supplemental appeal brief.
13) On March 7, 2005, the examiner again issued a Final Office Action allowing claims 1-6 and maintaining the rejection of claims 22-27.
14) On March 22, 2005, the applicant filed a second supplemental appeal brief.
15) On May 24, 2006, the examiner mailed a third Non-final Office Action rejecting all claims.
16) On September 13, 2006, the petitioner filed another request for reinstatement of appeal along with another appeal brief.
17) On December 18, 2006, the examiner mailed a fourth Non-Final Office Action, allowing claims 1-6 and maintaining the rejection of claims 22-27
19) On March 15, 2007 the present petition was filed along with another appeal brief.

Discussion and Analysis

37 CFR § 1.104(b) states:

The examiner's action will be complete as to all matters, except that in appropriate circumstances, such as misjoinder of invention, fundamental defects in the application, and the like, the action of the examiner may be limited to such matters before further action is made. However, matters of form need not be raised by the examiner until a claim is found allowable.

37 CFR § 1.181(a)(1) states:

Petition may be taken to the Director: (1) From any action or requirement of any examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;

Office policy requires examiners to complete a thorough prior art search, and avoid piecemeal examination as much as possible[1]. Regrettably due to late discovery of prior art, prosecution of the applicant's invention has been unavoidably prolonged. Petitions to the director are generally directed to correct procedural errors and not to the merits of the case. Petitions may be taken to the director for non-appealable issues in accordance with 37CFR § 1.181(a). The issue regarding the rejection of claims 22- 27 is appealable and should therefore properly be taken up with the Board of Patent Appeals and Interferences. Moreover, it is the Primary Examiner's duty to consider the merits of the claims under M.P.E.P. §1004. Because this matter is appealable, it does not fall within the Director's discretion in accordance with 37 CFR §1.181. Under the circumstances, the requested relief of allowing the application cannot be granted by petition.

However, in response to this petition, the examiner is hereby directed to timely set up an appeal conference under M.P.E.P. §1207.01. Additionally, the examiner is instructed to expediently

[1] **M.P.E.P. § 707.07(g) states:** "Piecemeal examination should be avoided as much as possible. The examiner ordinarily should reject each claim on all valid grounds available, avoiding, how-ever, undue multiplication of references."

proceed with the examination of the application while also taking into consideration Office policy discouraging piece meal prosecution under M.P.E.P §707.07(g). Finally, in order to avoid re-opening prosecutions, the examiner is reminded to perform a complete and thorough search of prior art considering not only the claims presented, but also any subject matter the examiner reasonably anticipates might be incorporated into a subsequent amendment in accordance with M.P.E.P. 904.03[2].

With regards to the petitioner's concern about the reduced term of any potentially issued patent, the petitioner may file a petition requesting the patent term adjustment, if appropriate, after receipt of a Notice of Allowance.

Conclusion

For the forgoing reasons, the relief requested by the petitioner will not be granted, because such relief is not the type which can be granted by petition.

The application is being forwarded to the Supervisory Patent Examiner in Art Unit 3767 for further processing. Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision, 37 CFR §1.181(f). No extension of time under 37 CFR §1.136(a) is permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR §1.181". Any inquiry regarding this decision should be directed to Henry Yuen, Special Programs Examiner, at (571) 272-4856.

PETITION IS DISMISSED

Karen M. Young

for Frederick R. Schmidt, Director
Technology Center 3700

[2] **M.P.E.P. § 904.03 states in relevant part**: "It is normally not enough that references be selected to meet only the terms of the claims alone, especially if only broad claims are presented; but the search should, insofar as possible, also cover all subject matter which the examiner reasonably anticipates might be incorporated into applicant's amendment."

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)
6714201	2004-03-30	09550080	2000-04-14	

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	/Dennis T. Gain/	Date (YYYY-MM-DD)	2008-05-09
Name	Dennis T. Gain, Managing Partner 3D Open Motion LL		
Enter Reel and Frame Number		Remove	
Reel Number	011114	Frame Number	0894
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

In re Patent No. 6714201
Issue Date: March 30,2004
Application No. 09550080
Filed: April 14,2000
Attorney Docket No.

:

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

:

This is a decision on the electronic petition, filed May 9,2008 ,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 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 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.

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Paper No. 11

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DEC 03 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

David W. Lynch
Crawford Maunu PLLC
1270 Northland Drive, Suite 390
Mendota Heights MN 55120

In re Application of
Charles David Johnson, et al.
Application No. 09/550,219
Filed: April 17, 2000
For: **METHOD AND APPARATUS FOR PROCESSING PRINT JOBS VIA PARALLEL SPOOLING AND DESPOOLING OPERATIONS**

DECISION ON PETITION

This is a decision on the Petition to Withdraw Holding of Abandonment filed October 25, 2004, pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The application was held abandoned for failure to respond in a timely manner and effective manner to the Office communication mailed December 17, 2003. A Notice of Abandonment was mailed October 14, 2004.

Petitioner alleges to have timely filed a response to said Office communication on March 17, 2004. In support thereof, Petitioner provided evidence in the way of a copy of a transmittal letter with certificate of mailing, the response filed March 17, 2004 and a date stamped post card receipt which itemizes the receipt of a response to the Office action of December 17, 2003.

A review of the file records reveals that the original amendment filed on March 17, 2004 has been located and matched with the file. Therefore, it is concluded that the papers were timely filed in compliance with the requirements of 37 CFR 1.8(a)(1).

In view of the above stated reason, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Any inconvenience caused petitioner is regretted.

The petition is **GRANTED.**

The application file is being forwarded to the Technology Center's technical support staff for entry of the March 17, 2004 response. From there, the file will be forwarded to the examiner for further action in due course.

Dwayne D. Bost
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
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Chambliss, Bahner & Stophel, P.C.
1000 Tallan Building
Two Union Square
Chattanooga TN 37402

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MAR 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Johnson, et al. :
Application No. 09/550,219 :
Filed: April 17, 2000 :
Attorney Docket No. IBMN.009US01 (0519) :
For: METHOD AND APPARATUS FOR PROCESSING PRINT JOBS VIA PARALLEL SPOOLING AND DESPOOLING OPERATIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed April 4, 2006 (certificate of mailing date March 30, 2006), to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **dismissed**.

Any further reconsideration 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. 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 September 6, 2005 final Office action, which set a three month extendable period for reply. Applicants filed an amendment after final on December 12, 2005 (certificate of mailing date December 6, 2005). The amendment after final failed to place the application in *prima facie* condition for allowance, as was explained in the March 16, 2006 Advisory action. Therefore, the Office contends the application became abandoned on December 7, 2005. A Notice of Abandonment was mailed on April 18, 2006.

Petitioners assert that the application is not abandoned because the Summary Sheet PTOL-326 indicated that the September 6, 2005 Office action was non-final. However, it is noted that the final page of the Office action states that the Office action was final. Petitioners argue that the Office action did not clearly state that the rejections were final and therefore, the holding of abandonment should be withdrawn.

It is noted that the Summary Sheet PTOL-326 found in Office records shows that the non-final box is marked with a typewritten "X" and the final box is marked with a handwritten "X".

Petitioners assert that their copy of the Summary Sheet PTOL-326 indicated that the Office action was non-final. There is no mention of the condition of the final box in the petition.

The holding of abandonment will not be withdrawn because the Office action was final, as was listed on the last page. By operation of law (statutory, which cannot be waived), the application became abandoned when a proper reply to the final Office action was not timely filed. Therefore, the petition to withdraw the holding of abandonment is **dismissed**.

The Office requests that petitioners submit their copy of the September 6, 2005 Summary Sheet PTOL-326. The undersigned suggests that petitioners file a petition under 37 CFR 1.137(a) and, in the alternative, under 37 CFR 1.137(b). If the petition under 37 CFR 1.137(a) is granted, the petition under 37 CFR 1.137(b) will be dismissed as moot.

The RCE mentioned in the instant petition is **not** present in the application file. Please submit another copy of the RCE with any future petition to revive.

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 pertaining to this decision may 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

Chambliss, Bahner & Stophel, P.C.
1000 Tallan Building
Two Union Square
Chattanooga TN 37402

COPY MAILED

MAY 24 2007

OFFICE OF PETITIONS

In re Application of :
Johnson, et al. :
Application No. 09/550,219 : ON PETITION
Filed: April 17, 2000 :
Attorney Docket No. IBMN.009US01 (0519) :
For: METHOD AND APPARATUS FOR PROCESSING PRINT JOBS VIA PARALLEL SPOOLING AND DESPOOLING OPERATIONS

This is a decision on the reconsideration petition under 37 CFR 1.181, to withdraw the holding of abandonment in the above-identified application, and in the alternative, the petition to revive the above-identified application under the unavoidable delay standard of 37 CFR 1.137(a) and the petition to revive the above-identified application under the unintentional delay standard under 37 CFR 1.137(b). In addition, petitioners request a refund of all petition fees required. The request for refund will be treated under 37 CFR 1.181. All petitions were filed on May 2, 2007 (certificate of mailing date April 30, 2007).

The reconsideration petition under 37 CFR 1.181 to withdraw the holding of abandonment is **dismissed**.

The petition under 37 CFR 1.137(a) is **granted**.

The petition under 37 CFR 1.137(b) is **dismissed as moot**.

The petition under 37 CFR 1.181 for refund is **dismissed**.

The above-identified application became abandoned for failure to properly reply to the September 6, 2005 final Office action, which set a three month extendable period for reply. Applicants filed an amendment after final on December 12, 2005 (certificate of mailing date December 6, 2005). The amendment after final failed to place the application in *prima facie* condition for allowance, as was explained in the March 16, 2006 Advisory action. Therefore, the Office contends the application became abandoned on December 7, 2005. A Notice of Abandonment was mailed on April 18, 2006.

Petitioners assert that the application is not abandoned because the Summary Sheet PTOL-326 indicates that the September 6, 2005 Office action was non-final. However, it is noted that the final page of the Office action states that the Office action was final. Petitioners argue that the Office action did not clearly state that the rejections were final and therefore, the holding of abandonment should be withdrawn.

It is noted that the Summary Sheet PTOL-326 found in Office records shows that the non-final box is marked with a typewritten "X" and the final box is marked with a handwritten "X". Petitioners have shown that their copy of the Summary Sheet PTOL-326 indicates that the Office action was non-final.

Nevertheless, the final page of the Office action on both the Office's and petitioners' copy states "THIS ACTION IS MADE FINAL." The application became abandoned for failure to file a proper reply to the final Office action. The reconsideration petition under 37 CFR 1.181 is dismissed.

Based on the facts and circumstances of this case, the petition under 37 CFR 1.137(a) is granted. The $500.00 petition fee will be charged to deposit account no. 50-3669.

Regarding petitioners' concurrently filed REQUEST FOR REFUND ACCORDING TO 37 CFR 1.26, the payment of the petition fee is a prerequisite to the filing of a petition to revive under 37 CFR 1.137(b). This requirement cannot be waived. MPEP 711.03(c)(III)(B). The Office will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m).

Deposit account no. 50-3669 will be credited the second RCE fee charged on accounting date May 2, 2007 and the $130.00 terminal disclaimer fee, as a terminal disclaimer is unnecessary.

After the mailing of this decision, the application file will be returned to Technology Center A.U. 2622 for consideration of the RCE and amendment filed on April 4, 2006 (certificate of mailing date March 30, 2006).

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

FORMALITIES LETTER

OC000000005207219

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
Address: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/550,303	04/14/2000	Brian Haab	S99-066

Pamela Sherwood
BOZICEVIC FIELD & FRANCIS LLP
200 Middlefield Road
Suite 200
Menlo Park, CA 94025

OIPE JC141
AUG 0 7 2000
PATENT & TRADEMARK OFFICE

Date Mailed: 06/28/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
  Applicant must submit **$ 690** *to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is $180.
  - **$180** for **10** total claims over 20.
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of $130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is $ 1000.**

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

08/11/2000 SDENBOB1 00000008 500815 09550303

01 FC:201 345.00 CH
02 FC:203 90.00 CH
03 FC:205 65.00 CH

SECTO

CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231			
Typed or Printed Name	Wilhelm Albert Palmen Jr.		
Signature		**Date**	August 3, 2000

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

OIPE JC141 AUG 0 7 2000 PATENT & TRADEMARK OFFICE

Attorney Docket	STAN-128
First Named Inventor	Haab et al.
Application Number	09/550,303
Filing Date	April 14, 2000
Group Art Unit	1643
Examiner Name	Unassigned
Title: "MICROARRAYS OF POLYPEPTIDES"	

ENCLOSURES (check all that apply)

X Fee Transmittal Form	___ Issue Fee Transmittal *(with copy of PTOL-85B)*	___ Request for Refund
___ Amendment/Response ___ After Final ___ Affidavits/declaration(s)	___ Formal Drawing(s)	___ After Allowance Communication to Group
___ Extension of Time Request	___ Licensing-related Papers	___ Appeal Communication to Board of Appeals and Interferences
___ Express Abandonment Request	___ Petition Routing Slip and Accompanying Petition	___ Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
___ Information Disclosure Statement, 1449 and ___ references	___ To Convert a Provisional Application	___ Proprietary Information
___ Certified Copy of Priority Document(s)	X Executed Combined Declaration/Power of Attorney	___ Status Letter
___ Response to Missing Parts/ Incomplete Application	___ Change of Correspondence Address	X Additional Enclosure(s) *(please identify below)*: Return Postcard
X Response to Missing Parts under 37 CFR 1.53(b) (*with copy of Notice to File Missing Parts*)	___ Terminal Disclaimer	
	X Small Entity Statement	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT			
Individual Name	Pamela J. Sherwood	**Registration No.**	36,677
Firm Name	BOZICEVIC, FIELD & FRANCIS LLP		
Signature	Pamela Sherwood		
Date	August 3, 2000		

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FEE TRANSMITTAL

Note: Effective October 1, 1998.
Patent fees are subject to annual revision.

AUG 0 7 2000
PATENT & TRADEMARK OFFICE
JC141

Attorney Docket Number	AN-128
First Named Inventor	Haab et al.
Application Number	09/550,303
Filing Date	April 14, 2000
Group Art Unit	1643
Examiner Name	Unassigned

METHOD OF PAYMENT

1. ___ A Check Is Enclosed
2. X The Commissioner is hereby authorized to charge the following and any additional fees including fees required under 37 CFR 1.16 and 1.17 and credit any overpayments to: Deposit Account No. 50-0815.
Deposit Account Name: Bozicevic, Field & Francis LLP

FEE CALCULATION

1. FILING FEE

Large Fee Code	Entity Fee ($)	Small Fee Code	Entity Fee ($)	Fee Description	Fee Due
101	690	201	345	Utility filing fee	$345.00
102	310	206	155	Design filing fee	
104	480	207	240	Plant filing fee	
109	690	208	345	Reissue filing fee	
110	150	214	75	Provisional filing fee	
				Subtotal (1)	$345.00

2. CLAIMS

No. of claims as filed or after amendment			Most claims previously paid		Extra claims		Fee from below		Fee Due
Total claims	30	-	20	=	10	x	9.00	=	$90.00
Ind. claims	3	-	3	=	0	x	39.00	=	$0.00
Multiple Dependent claims						x		=	

Large Fee Code	Entity Fee ($)	Small Fee Code	Entity Fee ($)	Fee Description
103	18	203	9	Claims in excess of 20
102	78	202	39	Independent claims in excess of 3
104	260	204	130	Multiple dependent claim
109	78	209	39	Reissue independent claims over original patent
110	18	210	9	Reissue claims in excess of and over original patent

Subtotal (2)$90.00

3. ADDITIONAL FEES

Large Fee Code	Entity Fee ($)	Small Fee Code	Entity Fee ($)	Fee Description	Fee Due	Large Fee Code	Entity Fee ($)	Small Fee Code	Entity Fee ($)	Fee Description	Fee Due
105	130	205	65	Surcharge - late filing fee or oath	65	127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification		147	2,520	147	2,520	Filing a request for reexamination	
115	110	215	55	Ext. for reply within first month		116	380	216	190	Ext. for reply within second month	
117	870	217	435	Ext. for reply within third month		118	1,360	218	680	Ext. for reply within fourth month	
128	1,850	228	925	Ext. for reply within fifth month		119	300	219	150	Notice of Appeal	
120	300	220	150	Filing brief in support of appeal		121	260	221	130	Request for oral hearing	
140	110	240	55	Petition to revive - unavoidable		141	1,210	241	605	Petition to revive - unintentional	
142	1,210	242	605	Utility issue fee (or reissue)		122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to prov. appl.		126	240	126	240	Submission of IDS	
146	690	246	345	Filing submission after final rejection (37 CFR 1.129(a))		149	690	249	345	For each additional invention to be examined (37 CFR 1.129(b))	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action		113	1840*	113	1840*	Requesting publication of SIR after Examiner action	
143	430	243	215	Design issue fee		144	580	244	290	Plant issue fee	
581	40	581	40	Recording patent assignment		Other fee (specify)					

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3)$65.00

TOTAL AMOUNT TO BE CHARGED ($)500.00

SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name	Pamela J. Sherwood, BOZICEVIC, FIELD & FRANCIS LLP			Reg. Number	36,677
Signature	Pamela Sherwood	Date	August 3, 2000	Deposit Account	50-0815

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CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.			
Typed or Printed Name	Wilhelm Albert Palmen Jr.		
Signature		**Date**	August 3, 2000

RESPONSE TO MISSING PARTS	Attorney Docket	STAN-128
	First Named Inventor	Haab et al.
	Application Number	09/550,303
	Filing Date	April 14, 2000
Address to: Box Missing Parts Assistant Commissioner for Patents Washington, D.C. 20231	Group Art Unit	1643
	Examiner Name	Unassigned
	Title: "MICROARRAYS OF POLYPEPTIDES"	

OIPE JC141 AUG 0 7 2000 PATENT & TRADEMARK OFFICE

Sir:

In response to the Notice to File Missing Parts dated June 28, 2000, transmitted herewith for filing are the following documents:

1. a copy of the Notice to File Missing Parts;
2. a Combined Declaration and Power of Attorney signed by the inventors;
3. a Verified Statement Claiming Small Entity Status.

The Commissioner is hereby authorized to charge the amount of $500.00 (surcharge, $65.00; statutory basic filing fee, $345.00; additional claim fees, $90.00) to cover the fees required and any fees under 37 C.F.R. §§ 1.16 and 1.17 which may be required by this paper, or to credit any overpayment, to Deposit Account No. 50-0815.

Respectfully submitted,
BOZICEVIC, FIELD & FRANCIS LLP

Date: August 3, 2000

By: Pamela Sherwood
Pamela J. Sherwood
Registration No. 36,677

BOZICEVIC, FIELD & FRANCIS LLP
200 Middlefield Road, Suite 200
Menlo Park, CA 94025
Telephone: (650) 327-3400
Facsimile: (650) 327-3231
F:\DOCUMENT\STAN (Stanford)\128\Response to Missing Parts.wpd

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAN 14 2005

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVE
SUITE 200
EAST PALO ALTO CA 94303

In re Application of	:
Patrick Brown et al	:
Serial No.: 09/550,303	: PETITION DECISION
Filed: April 14, 2000	:
Attorney Docket No.: STAN-128	:

This is in response to the letter which is being treated as an informal petition under 37 CFR 1.181, to enter a previously submitted Continuing Patent Application (CPA) filed April 23, 2004.

Referring to M.P.E.P. 201.06(d), filing of a CPA is permitted only in Design applications after July 14, 2003. Requests for a CPA filed after July 14, 2003, if they meet the conditions for filing of an RCE will be treated as such. An RCE filing requires a submission in response to the last Office action. Applicants' CPA has no submission in compliance with 37 CFR 1.114. The only paper submitted after the Final Office action was a Notice of Appeal. The application remains abandoned.

The petition is **DENIED.**

The application will be forwarded to abandoned files.

Applicants may revive this application, if desired, by filing a petition under 37 CFR 1.137(b).

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, 571-273-8003.

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

BOZICEVIC, FIELD & FRANCIS LLP
1900 UNIVERSITY AVENUE
SUITE 200
EAST PALO ALTO, CA 94303

COPY MAILED

MAR 16 2005

OFFICE OF PETITIONS

In re Application of :
Haab, et al. : DECISION ON PETITION
Application No. 09/550,303 :
Filed: April 14, 2000 :
Atty. Dkt. No.: S99-066 :

This decision is in response to the petition under 37 CFR 1.137(b), filed February 25, 2005.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned April 13, 2004 for failure to timely submit a proper reply to the Notice of Appeal filed November 12, 2003. An appeal brief or other proper reply was due on or before January 12, 2004. An improper CPA and petition for extension of time were submitted April 12, 2004. Notice of Abandonment was mailed January 14, 2005. A petition under 37 CFR 1.181 was submitted June 23, 2004 and denied January 14, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (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 of the reply until the filing of a grantable petition 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 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice of Appeal filed November 12, 2003 is accepted as having been unintentionally delayed.

This application file is being forwarded to Technology Center 1600 for processing of the RCE submitted herewith.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Stanford University Office of Technology Licensing
Bozicevic, Field & Francis LLP
1900 University Avenue
Suite 200
East Palo Alto, CA 94303

Mail Date: 04/23/2010

Applicant	: Patrick Brown	: DECISION ON REQUEST FOR
Patent Number	: 7615368	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 09/550,303	: OF WYETH
Filed	: 04/14/2000	:
		:

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
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Paper No. 14

NEIL A. DuCHEZ
RENNER OTTO BOISSELLE & SKLAR LLP
1621 EUCLID AVENUE, 16TH FLOOR
CLEVELAND, OH 44115

COPY MAILED
AUG 2 6 2004
OFFICE OF PETITIONS

In re Application of	:
Hiroshi Kawano	:
Application No. 09/550,391	: DECISION GRANTING PETITION
Filed: April 14, 2000	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SAIKP0110US	:

This is a decision on the petition, filed August 25, 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 June 3, 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) 305-8680.

Upon receipt of the file in the Office of Petitions and association of the instant petition, RCE, IDS and decision on petition with the file, the file will be forwarded to Technology Center AU 2626 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement.

Frances Hicks
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
AMB 08-02

Paper No. 15

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SEP 0 9 2002

OFFICE OF PETITIONS

Bruce W. DeKock
1600 ODS Tower
601 S W Second Avenue
Portland, OR 97204

In re Application of
Dekock, et al.
Application No. 09/550,476
Filed: April 14, 2000
Attorney Docket No.: BWD-7118.004
For: SYSTEM FOR PROVIDING TRAFFIC INFORMATION

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed August 5, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned May 21, 2002. The application was abandoned for failure to timely submit the issue fee, as required by the Notice of Allowance and Issue Fee Due, and for failure to timely submit new formal drawings, as required by the Notice of Allowability. The Notices were mailed February 20, 2002 and set a three (3) month statutory period of time for reply. Notice of Abandonment was mailed July 1, 2002.

This application will be forwarded to the Publications Division for processing into a patent.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

RAM Fee History Query

Revenue Accounting and Management

Name/Number: 09550476

Total Records Found: 6

Start Date: Any Date

End Date: Any Date

Accounting Date	Sequence Num.	Tran Type	Fee Code	Fee Amount	Mailroom Date	Payment Method
04/27/2000	00000021	1	201	$345.00	04/14/2000	OP
04/27/2000	00000022	1	203	$162.00	04/14/2000	OP
07/26/2001	00000030	1	217	$445.00	07/24/2001	OP
08/06/2002	00000071	1	241	$640.00	08/05/2002	OP
08/08/2002	00000193	1	242	$640.00	08/06/2002	OP
08/08/2002	00000194	1	561	$9.00	08/06/2002	OP

UNITED STATES 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. 6247308
Issue Date: June 19,2001
Application No. 09550494
Filed: April 17,2000
Attorney Docket No. 20061

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

This is a decision on the electronic petition, filed December 7,2009 ,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 7,2009 . 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)
6247308	2001-06-19	09550494	2000-04-17	

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	/Alon Solell/	Date (YYYY-MM-DD)	2009-12-07
Name	Alon Solell		
Enter Reel and Frame Number		Remove	
Reel Number	010755	Frame Number	0837
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, D.C. 20231
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Paper No. 5

Finnegan, Henderson, Farabow,
Garrett & Dunner L.L.P.
1300 I Street N.W.
Washington, D.C. 20005-3315

MAILED

JAN 0 4 2002

Technology Center 2100

In re Application of: G. Victor Guyan et al.	)	
Application No. 09/550,499	)	
Filed: April 14, 2000	)	**DECISION ON REQUEST FOR**
For: INSURANCE FILE NOTE	)	**WITHDRAWAL AS ATTORNEY**
GENERATION METHOD AND	)	
SYSTEM	)	

This is a decision on the Request To Withdraw from Representation filed December 28, 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: Joel Benson
Brinks Hofer Gilson & Lione
455 N. CityFront Plaza Drive
Chicago, Illinois 60611-5599

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LAURENCE H. POSORSKE
HUNTON & WILLIAMS LLP
1900 K STREET, N.W., SUITE 800
WASHINGTON, DC 20006-1109

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MAY 2 6 2004

OFFICE OF PETITIONS

In re Application of :
Leif Andersson et al :
Application No. 09/550,605 :
Filed: April 17, 2000 :
Attorney Docket No. 064727.0109

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 the Publishing Division.

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
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CAMMARATA,MICHAEL
Birch Steward Kolasch & Birch, LLP
8110 Gate House Rd., Suite 100 E
Falls Church, VA 22040

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JUN 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Iqbal M. Dar	:	
Application No. 09/550,651	:	DECISION ON PETITION
Filed: April 17, 2000	:	TO WITHFRAW
Attorney Docket No. 10.0025	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR 1.36(b) filed November 9, 2005.

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

A review of the file record indicates that the power of attorney to Birch Steward Kolasch & Birch, LLP has been revoked by the assignee of the patent application on June 28, 2006. Accordingly, the request to withdraw under 37 CFR 1.36(b) is moot.

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

Telephone inquiries concerning this decision should be directed to Carl Friedman at 571-272-6842.

Carl Friedman
Petitions Examiner
Office of Petitions

Cc: CLEMENTS BERNARD MILLER
1901 ROXBOROUGH ROAD
SUITE 300
CHARLOTTE NC 28211

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 08/29/06

TO SPE OF : ART UNIT 1764

SUBJECT : Request for Certificate of Correction for Appl. No.: **09/550693** Patent No.: **6716320**

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**.

Angela Green
Certificates of Correction Branch
703.308.9380 ext. 123

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 request for correction to claim 11, column 4, line 59 has not been approved for being incomplete. The "solvent contained in a container, comprising sealed environment means" should be requested to be changed instead, to —solvent contained in a container which is mounted in a vortex evaporator comprising a recirculating system in sealed environment means— See claim 22. (PTO's mistake). The request for correction to claim 11, column 4, line 61 has been approved.

SPE _____ Art Unit _____

PTOL-306 (REV. 7/03) U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

1760 9.11.06

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 5

SCOTT C. HARRIS
FISH & RICHARDSON P.C.
4350 LA JOLLA VILLAGE DRIVE, SUITE 500
SAN DIEGO, CA 92122

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JAN 24 2002

OFFICE OF PETITIONS

In re Application of :
Anders Andersson et al. :
Application No. 09/550,816 :
Filed: April 18, 2000 :
Attorney Docket No. 08305 / 072001 / 99-18 :

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 2600.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 7

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.:

09/550,816

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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BLANEY HARPER ESQ
JONES DAY REAVIS & POGUE
51 LOUISIANA AVENUE NW
WASHINGTON DC 20001-2113

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SEP 10 2007

OFFICE OF PETITIONS

In re Application of
Norbert ROMA
Application No. 09/551,014
Filed: April 18, 2000
Attorney Docket No. 940630-010-020

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 08, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of August 23, 2006. 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 and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is November 24, 2006.

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) and fee of $790, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay. Accordingly, the reply to the final Office Action of August 23, 2006 is accepted as having been unintentionally delayed.

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.

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

This application is being referred to Technology Center AU 2145 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.

David A. Bucci
Petitions Examiner
Office of Petitions

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OPPENHEIMER WOLFF & DONNELLY, LLP
PLAZA VII, SUITE 3300
45 SOUTH SEVENTH STREET
MINNEAPOLIS MN 55402-1609

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AUG 10 2007

OFFICE OF PETITIONS

In re Application of	:	
Silverstone et al.	:	DECISION ON PETITION TO
Application Number: 09/551181	:	WITHDRAW HOLDING OF
Filing Date: 04/17/2000	:	ABANDONMENT
Attorney Docket Number:	:	
AND1P582	:	

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT" filed on 26 March, 2007, which, in view of petitioners' statement that a response was timely filed, is treated as a petition to withdraw the holding of abandonment.

The petition is **GRANTED**.

A review of the record reveals that a non-final Office action was mailed on 9 January, 2006, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on 28 August, 2006. On 14 September, 2006, a copy of an amendment and a petition for a three (3) month extension of time under 37 CFR 1.136(a), both bearing a certificate of mailing dated 10 July, 2006, were filed.

On 26 March, 2007, the present petition was filed. Petitioners assert that a timely and proper reply to the non-final Office action, including an amendment and a petition for a three (3) month extension of time, were timely filed. In support, petitioners have supplied, *inter alia*, a copy of a postcard showing receipt of an amendment and a petition for a three month extension of time in the office on 12 July, 2006.

A review of the official file reveals that on 12 July, 2006, the amendment, petition for extension of time, and an IDS each bearing a certificate of mailing dated 10 July, 2006, were filed.

A review of the papers filed with the petition reveals that the petition for extension of time filed on 12 July, 2006 (certificate of mailing 10 July, 2006) miscaptioned the application number as "09/550,583". Under current Office procedure, a response that has an incorrect serial number is handled in accordance with M.P.E.P. § 508.03. If a paper having an incorrect serial number contains sufficient information to identify the correct application and was timely received at the Office, the holding of abandonment will be withdrawn. In reviewing the papers which were submitted, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

As such, the showing of record is that a response was timely filed, and there is no abandonment in fact. Any inconvenience caused to applicant is regretted.

The application is being referred to Technology Center Art Unit 3623 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 13

ALLEN, DYER, DOPPELT, MILBRATH & GILCHRIST P.A.
1401 CITRUS CENTER 255 SOUTH ORANGE AVENUE
P.O. BOX 3791
ORLANDO FL 32802-3791

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JUL 2 3 2002

OFFICE OF PETITIONS

In re Application of Zeng Application No. 09/551,187 Filed: April 17, 2000 Attorney Docket No.: SE1443PDA50021A //90065.161501/17732.6134.003 For: SEMICONDUCTOR DEVICE HAVING REDUCED EFFECTIVE SUBSTRATE RESISTIVITY AND ASSOCIATED METHODS	: : : : : : : : :	DECISION DISMISSING PETITION UNDER 37 CFR 1.137(b) AS MOOT & DECISION GRANTING PETITION UNDER 37 CFR 1.181

This is a decision on the petition under 37 CFR 1.137(b), filed February 27, 2002, to revive the above-identified application. The petition is properly treated as a feeless petition under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action mailed on May 9, 2001. A Notice of Abandonment was mailed on December 19, 2001.

A review of the application file reveals that petitioner filed an amendment and a 4 month extension of time and required fee on January 4, 2002. Under 37 C.F.R. § 1.8(a)(1) correspondence is considered timely if: (1) the correspondence is mailed or transmitted prior to expiration of the set period for response by being properly addressed to the Patent and Trademark Office as set out in 37 C.F.R. § 1.1(a) and deposited with the U.S. Postal Service with sufficient postage as first class mail or transmitted to the Patent and Trademark Office in accordance with 37 C.F.R. § 1.6(d); and (2) the correspondence includes a certificate for each piece of correspondence stating the date of deposit or transmission. The person signing the certificate should have a reasonable basis to expect that the correspondence would be mailed or transmitted on or before the date indicated.

The amendment and the extension of time bear proper certificates of mailing, dated December 10, 2001, in compliance with the requirements of 37 C.F.R. § 1.8(a)(1) as set forth above. The papers submitted on January 4, 2002 should have been considered as if they were filed on December 10, 2001. Accordingly, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition under 37 CFR 1.181 is **GRANTED**.

Therefore, the petition to revive is unnecessary. The petition under 37 CFR 1.137(b) is **DISMISSED AS MOOT**. The $1,280.00 petition fee, the $740.00 RCE filing fee, and the

$90.00 submitted for filing claims in excess of 20 will be refunded to deposit account no. 10-0223.

For future reference, petitioner is reminded that an RCE removes the finality of a final Office action. In this instance, a final Office action has not been mailed. Therefore, an RCE would not have been an appropriate reply had the application been abandoned.

The attorney submitting the instant petition has not been empowered to prosecute the instant application. A power of attorney, filed February 27, 2002, and a change of address, filed May 2, 2002, will not be entered and made of record because it is unclear as to who the signer of the power of attorney, Stephen Schott, is in relation to the invention. Because the power of attorney has not been recognized, the change of correspondence address signed by Attorney FitzGerald cannot be recognized.

A representative of the assignee may intervene and empower an attorney. See MPEP 324. If petitioner/ assignee of record desires the attorney who submitted the instant petition 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 attorney who filed the instant petition. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

The application file will be forwarded to the Technology Center 2800's technical support staff for entry of the amendment filed January 4, 2002 (certificate of mailing date December 10, 2001) and entry of the supplemental amendment filed February 27, 2002. Thereafter, the application file will be forwarded to the examiner for action in due course.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: THOMAS R. FITZGERALD, ESQ.
JAECKLE FLEISCHMANN & MUGEL, LLP
39 STATE ST., STE. 200
ROCHESTER, NY 14614-1310

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 15

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NOV 0 1 2002

OFFICE OF PETITIONS

THOMAS R. FITZGERALD, ESQ.
16 E. MAIN STREET, SUITE 210
ROCHESTER NY 14614-1803

In re Application of Zeng Application No. 09/551,187 Filed: April 17, 2000 Attorney Docket No.: 90065.161501/17732.6134.003 For: SEMICONDUCTOR DEVICE HAVING REDUCED EFFECTIVE SUBSTRATE RESISTIVITY AND ASSOCIATED METHODS	:	DECISION VACATING PRIOR DECISION & DECISION GRANTING PETITION UNDER 37 CFR 1.137(b)

This is a decision vacating the decision of July 25, 2002 and granting the petition under 37 CFR 1.137(b), filed February 27, 2002, to revive the above-identified application. The decision of July 25, 2002 was made in error and the undersigned apologizes for the mistake and any inconvenience occasioned by the error.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action mailed on May 9, 2001. A Notice of Abandonment was mailed on December 19, 2001.

A review of the application file reveals that petitioner filed an amendment and a 4 month extension of time and required fee on January 4, 2002.

While the amendment and the extension of time bear proper certificates of mailing, dated December 10, 2001, in compliance with the requirements of 37 C.F.R. § 1.8(a)(1), they were filed after the 6 month statutory deadline for response. They were not timely filed.

Therefore, the previous decision under 37 CFR 1.181, mailed July 25, 2002, is **VACATED** and the petition to revive, filed July 25, 2002, under 37 CFR 1.137(b) is **GRANTED**.

Regarding finances, the $1,280.00 petition fee, submitted February 27, 2002 and erroneously refunded to deposit account no. 10-0223 on July 23, 2002 will be charged to the same deposit account. The RCE still is not a proper reply because a final Office action has not been mailed. Therefore, the $740.00 RCE filing fee, and the $90.00 submitted for filing claims in excess of 20 were properly refunded on July 23, 2002.

The application file will be forwarded to the Technology Center 2800's technical support staff for entry of the amendment filed January 4, 2002 (certificate of mailing date December 10, 2001) and entry of the supplemental amendment filed February 27, 2002. Thereafter, the application file will be forwarded to the examiner for action in due course.

Telephone inquiries pertaining to this matter may 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 1/3/07

Paper No.: _____

TO SPE OF : ART UNIT 2193

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/551246 Patent No.: 6901588

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**.

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: Please enter. Eight pages of syntax and minor corrections.

ENTER IN RECORD

WEI ZHEN
~~SUPERVISORY PATENT EXAMINER~~

SPE

2193
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
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DW Dec-05

MACPHERSON KWOK CHEN & HEID LLP
1762 TECHNOLOGY DRIVE, SUITE 226
SAN JOSE CA 95110

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DEC 2 0 2005

OFFICE OF PETITIONS

In Patent No. 6,931,055	:	
Issued: 16 August, 2005	:	
Application No. 09/551,276	:	ON PETITION
Filed: 18 April, 2000	:	
Atty Docket No. M-15558 US	:	

This is in response to the deficiency fee payment filed pursuant to 37 CFR 1.28(c) on 30 November, 2005.

37 CFR 1.28(c) states, "The deficiency is based on the amount of the fee, for other than a small entity, in effect at the time the deficiency is paid in full."

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**.

Small entity status will no longer apply.

Telephone inquiries should be directed to the undersigned at (571) 272-3231.

D Wood

Douglas I. Wood
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
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Paper No. 11

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH
1600 TCF TOWER
121 SOUTH EIGHT STREET
MINNEAPOLIS, MN 55402

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APR 12 2006
OFFICE OF PETITIONS

In re Application of	:	
Andrew Frank	:	
Application No. 09/551,299	:	ON PETITION
Filed: April 18, 2000	:	
Attorney Docket No. 977.039US1	:	

This is a decision on the petition filed August 24, 2005, under 37 CFR 1.181, to withdraw the holding of abandonment, or, in the alternative, under 37 CFR 1.137 (b), to revive the above-identified application

The petition under 37 CFR 1.181 is **GRANTED.**

The petition under 37 CFR 1.137(b) is **DISMISSED** as moot.

The above-identified application was held abandoned for failure to reply in a timely manner to the non-final Office action of October 3, 2003. A Notice of Abandonment was mailed on September 8, 2004.

Petitioner asserts that counsel never received the Office action of October 3, 2003 since it was mailed to a different address. In support, the petition is accompanied by a copy of applicant's return postcard, date-stamped "June 14, 2002" by the USPTO, indicating receipt in the USPTO on that day. The petition also encloses copies of transmittal of the Revocation and Power of Attorney with the Change of Correspondence Address.

A review of the written record indicates an irregularity in the mailing of the Office action of October 3, 2003. In this regard, the Office received a change of address on June 14, 2002, prior to the mailing of the Office action of October 3, 2003. Office records were not updated to reflect this new change of correspondence address. Accordingly, as the Office action was mailed to an incorrect address, the Notice of Abandonment mailed September 8, 2004 is hereby vacated and the holding of abandonment withdrawn.

The petition and extension of time fees will be refunded to petitioner's deposit account as authorized.

This application is being forwarded to Technology Center AU 2111 for appropriate action in the normal course of business on the reply to the non-final Office action of October 3, 2003, which was received with the filing of this petition on August 24, 2005.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 10

DATE : 9/23/05

TO SPE OF : ART UNIT 2114

SUBJECT : Request for Certificate of Correction on Patent No.: 6480962

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.

Thank You For Your Assistance

Lamonte M. Newsome
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:

Robert W Beausoliel
SPE

2114
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. 4

James C. Scheller, Jr.
BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

MAILED

OCT 0 3 2002

Technology Center 2100

In re Application of:	)	
Nick KING et al	)	
Application No. 09/551,303	)	**DECISION ON PETITION UNDER 37**
Filed: April 18, 2000	)	**C.F.R. § 1.84(a)(2) TO ACCEPT**
For: SYSTEM AND METHOD FOR	)	**COLOR DRAWINGS**
CONTROLLING THE SCREEN	)	
DISPLAY APPEARANCE FOR A	)	
DATA PROCESSING SYSTEM	)	

This is a decision on the petition under 37 C.F.R. § 1.84(a)(2), filed April 18, 2000, requesting acceptance of color drawings.

The petition requests that the color drawings, although not specifically identified but noted as, figures 5A-5F be accepted in lieu of black and white drawings.

A grantable petition under 37 C.F.R. § 1.84(a)(2) must be accompanied by a fee set forth under 37 C.F.R. § 1.17(h), 3 (three) sets of the color drawings in question, and the specification must contain, or be amended to contain, the following language as the first paragraph in that portion of the specification relating to the brief description of the drawings:

"the file of this patent contains at least one drawing executed in color. Copies of this patent with color drawing(s) will be provided by the Patent and Trademark Office upon request and payment of the necessary fee."

The petition was filed without the required three sets of color drawings.

The petition is **DENIED**.

The application file is being return to the Central Files waiting for applicant's response.

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Security, Architecture and Software

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. 13

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SEP 0 2 2004

Technology Center 2100

James C. Scheller, Jr.
Blakely Sokoloff Taylor & Zafman, LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

In re Application of: King et al. Application No. 09/551,303 Attorney Docket No. 04860.P2439 Filed: April 18, 2000 For: SYSTEM AND METHOD FOR CONTROLLING THE SCREEN DISPLAY APPEARANCE FOR A DATA PROCESSING SYSTEM	)))))))	DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181

This is a decision on the request for the notice of abandonment to be withdrawn filed February 17, 2004, which has been treated as a petition under 37 CFR §1.181, requesting the Withdrawal of the Holding of Abandonment of the above-identified application.

The petition is **DISMISSED.**

RECENT CASE HISTORY

1) March 10, 2003, a final rejection mailed. Three (3) month shortened statutory period for timely response commences.

2) May 8, 2003, an after final amendment and request for reconsideration filed under 37 CFR §1.116.

3) June 2, 2003, an advisory action mailed indicating that the request for reconsideration did not place the application in condition for allowance..

4) June 10, 2003, a second after final amendment and request for reconsideration filed under 37 CFR §1.116.

5) January 29, 2004, notice of abandonment mailed indicating that reply filed June [10] 2003, failed to place the application in condition for allowance and that the period for reply has expired thus the application held abandoned.

6) February 17, 2004, the (instant) petition to withdraw the abandonment filed.

BASIS OF OPINION

The relevant portions of the Statutes and Rules are reproduced below. Emphasis is added to draw attention to critical phrases.

§ 1.135 Abandonment for failure to reply within time period.

(a) If an applicant of a patent application fails to reply within the time period provided under §1.134 and §1.136, the application will become abandoned unless an Office action indicates otherwise.

(b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. ***The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.***

§ 1.113 Final rejection or action.

(a) On the second or any subsequent examination or consideration by the examiner the rejection or other action may be made final, whereupon applicants or patent owner's reply is ***limited to appeal in the case of rejection of any claim (§ 1.191), or to amendment as specified in § 1.116***.....
(c) ***Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form.***

§ 1.116 Amendments after final action or appeal.

(b) After a final rejection or other final action (§ 1.113), amendments may be made canceling claims or complying with any requirement of form expressly set forth in a previous Office action. Amendments presenting rejected claims in better form for consideration on appeal may be admitted. ***The admission of, or refusal to admit, any amendment after a final rejection***, a final action, an action closing prosecution, or any related proceedings, ***will 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.***

DECISION

Petitioner has provided evidence to the timely response to the final Office action of March 10, 2003 in the filing that includes: a copy of the amendment and response to the final Office action (certificate of mailing dated June 10, 2003); copy of the return postcard (date stamped by OIPE); and a signed and dated transmittal sheet.

As clearly set forth in 37 CFR §1.135, the admission of, or refusal to admit any amendment after final rejection will not operate to save the application from abandonment [emphasis added]. Irrespective of applicant's timely response of June 10, 2003 to the final office action mailed March 10, 2003, since the response was held to ***not*** be in compliance with 37 CFR §1.116 (discussed above) as indicated in the notice of abandonment mailed January 29, 2004, the shortened statutory period for response to the final rejection expired on June 10, 2003, as no extensions of the shortened statutory time period have been received. In addition, note the advisory action mailed June 2, 2004 notified applicant that the proposed changes to the claims submitted on May 13, 2003 was not consistent with that indicated to be allowable by the

Examiner in the final rejection of March 10, 2003. Accordingly, the case remains **abandoned in fact** for failure to timely file a proper reply under §1.116 to the final Office action.
The petition is **DISMISSED**.

The holding of abandonment is maintained as proper. The petitioner may wish to revive the application under 37 CFR 1.137. If the petitioner desires further review of this Decision, a request for reconsideration should be filed within two (2) months of the mailing date of this Decision. Telephone inquiries on this decision should be directed to the undersigned at (703) 308-0885.

8/31/04

Brian L. Johnson
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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Blakely Sokoloff Taylor & Zafman LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025-1026

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MAY 09 2005

OFFICE OF PETITIONS

In re Application of	:
King, et al.	: DECISION ON PETITION
Application No. 09/551,303	:
Filed: April 18, 2000	:
Atty. Dkt. No.: 04860.P2439	:

This decision is in response to the petition under 37 CFR 1.137(b), filed November 5, 2004.

The petition under 37 CFR 1.137(b) is **GRANTED**.

This application became abandoned June 11, 2003 for failure to timely submit a proper reply to the final Office action mailed March 10, 2003. The final Office action set a three (3) month shortened statutory period of time for reply. No petition for extension of time was timely submitted. Notice of Abandonment was mailed January 29, 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply; (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 of the reply until the filing of a grantable petition 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 37 CFR 1.20(d)) required pursuant to paragraph (d) of this section.

The instant petition has been reviewed and found in compliance with the provisions of 37 CFR 1.137(b). Accordingly, the failure to timely reply to the final Office action mailed March 10, 2003 is accepted as having been unintentionally delayed.

There is no indication that petitioner herein was ever empowered to prosecute the instant application. Thus, 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. Moreover, the appropriate power of attorney documentation should be submitted.

This application file is being forwarded to Technology Center 2100 for processing of the RCE submitted herewith.

Telephone inquiries related to this decision 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
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Alexandria, VA 22313-1450
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In re Patent No. BAUN ET AL. Issue Date: 10/16/01 Appl No.: 09/551,332 Filed: April 18, 2000 For: Petition under 37 CFR 1.324	**DECISION GRANTING PETITION** *37 CFR 1.324*

This is a decision on the petition filed 7/7/04 to correct inventorship under 37 CFR 1.324.

The Applicants have provided a statement under 37 CFR 1.324(b)(1) from each person being removed as an inventor, a statement under 37 CFR 1.324(b)(2) from each of the currently named inventors, a statement under 37 CFR 1.324(b)(3) from the assignee of the parties submitting statements under (b)(1) and (b)(2) of Rule 324, and the fee as required under 37 CFR 1.324(b)(4).

Therefore, 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.

The inventorship of the instant patent has been corrected as follows:

Kenneth W. Baun, Trabuco Canyon, CA
John E. Hoot, San Clemente, CA
Brian G. Tingey, Fountain Valley, CA

Drew Dunn
Supervisory Patent Examiner
Art Unit 2872
Technology Center 2800

DREW A. DUNN
SUPERVISORY PATENT EXAMINER

STRADLING YOCCA CARLSON & RAUTH
IP DEPARTMENT
660 NEWPORT CENTER DRIVE, SUITE 1600
P.O. BOX 7680
NEWPORT BEACH, CA 92660-6441

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Paper No. 21

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center
8th Floor
San Francisco CA 94111-3834

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OFFICE OF PETITIONS

In re Application of :
Ivri et al. :
Application No. 09/551,408 :
Filed: April 18, 2000 :
Attorney Docket No. 16770-002721US :
Title of Invention: METHODS AND :
APPARATUS FOR STORING CHEMICAL :
COMPOUNDS IN A PORTABLE INHALER :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(a) filed March 15, 2004 to revive the above-identified application.

The petition to revive under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration 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(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely submit a response to the May 5, 2003 Notice of Non-Responsive Amendment hereinafter "Notice" which indicated the February 5, 2003 amendment was not fully responsive. The Notice set a one month period of reply. Extensions of time pursuant to 37 CFR 1.136(a) were not obtained. Accordingly, this application became abandoned on June 6, 2003. A Notice of Abandonment was mailed on December 10, 2003.

PETITION TO REVIVE UNDER 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(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) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The instant petition lacks item (3).

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 37 CFR 1.137(a).

The Office 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 "avoidable." See, 37 CFR 1.137(a)(3). 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 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). A petition to revive an application as unavoidably abandoned cannot be granted where 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).

A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish the failure to receive 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 non-received Office communication would have been entered had it been received and docketed must

[1] 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.

be attached to and referenced in practitioner's statement.[2] The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Notice may have been lost after receipt rather than a conclusion that the Notice was lost in the mail.

Petitioner contends the Notice which was mailed on May 5, 2003 was never received. The Notice was mailed to the correspondence address of record. A review of the petition shows the address provided on the petition differs from the correspondence address of record.[3] The Office will direct all notices, official letters, and other communications relating to the application to the correspondence address. See 37 CFR 1.33(a). Further review of the record reveals there is no indication petitioner was ever empowered to prosecute the instant application. The address provided on the petition is that of a Denver Colorado address whereas the correspondence address of record is San Francisco, California. Petitioner must establish the Notice was not lost after receipt at Townsend and Townsend in California or in transit to the Townsend and Townsend Office in Colorado. If there are two separate docket systems, docket reports for each Office should be provided as well as an explanation as to how information and mail is transferred from California Townsend to Denver Townsend.

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[4]

Alternative Venue

Petitioner may wish to consider filing a petition to revive based on unintentional abandonment under 37 CFR 1.137(b). A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by the required reply, the required petition fee, and 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 filing of a petition under 37 C.F.R. § 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 C.F.R. § 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 C.F.R. § 1.137(b).

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[2] M.P.E.P. § 711.03(c); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

[3] It is noted the correspondence address of record has been provided on the amendment submitted with the amendment.

[4] See MPEP 711(c)(III)(c)(2) for a discussion of the requirements for a showing of unavoidable delay.

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 2011 South Clark Place Customer Window, Mail Stop Petition Crystal Plaza Two, Lobby, Room 1B03 Arlington, VA 22202

Telephone inquiries should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Darin J. Gibby
1200 Seventeenth Street
Suite 2700
Denver, Colorado 80202

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 23

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OFFICE OF PETITIONS

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center
8th Floor
San Francisco CA 94111-3834

In re Application of
Ivri et al.
Application No. 09/551,408
Filed: April 18, 2000
Attorney Docket No. 16770-002721US
Title of Invention: METHODS AND APPARATUS FOR STORING CHEMICAL COMPOUNDS IN A PORTABLE INHALER

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(a) and the 37 CFR 1.137(b) petition filed July 9, 2004 to revive the above-identified application.

The petition to revive under 37 CFR 1.137(a) is **DISMISSED**.
The petition to revive under 37 CFR 1.137(b) is **GRANTED**.

Any request for reconsideration 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(a)." This is **not** a final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely submit a response to the May 5, 2003 Notice of Non-Responsive Amendment hereinafter "Notice" which indicated the February 5, 2003 amendment was not fully responsive. The Notice set a one month period of reply. Extensions of time pursuant to 37 CFR 1.136(a) were not obtained. Accordingly, this application became abandoned on June 6, 2003. A Notice of Abandonment was mailed on December 10, 2003. A petition under 37 CFR 1.137(a) was dismissed on June 7, 2004.

PETITION TO REVIVE UNDER 37 CFR 1.137(a)

A grantable petition under 37 CFR 1.137(a) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(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) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

The instant petition lacks item (3).

As to item (3), the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 37 CFR 1.137(a).

The Office 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 "avoidable." See, 37 CFR 1.137(a)(3). 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 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). A petition to revive an application as unavoidably abandoned cannot be granted where 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).

A review of the record indicates no irregularity in the mailing of the Notice, and in the absence of any irregularity in the mailing, there is a strong presumption that the Notice was properly mailed to the address of record. This presumption may be overcome by a showing that the Notice was not in fact received. The showing required to establish the failure to receive 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

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[1] 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.

communication was not received. 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.[2] The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Notice may have been lost after receipt rather than a conclusion that the Notice was lost in the mail.

On renewed petition, petitioner has provided a docket report covering August 1, 2003 through August 31, 2003. However, the Notice was mailed on May 5, 2003. Thus petitioner should have submitted docket records covering the time period of May 5, 2003 through June 5, 2003. Furthermore, petitioner has failed to address the fact that the original Notice was mailed to the Townsend Office located in San Francisco, California versus Townsend Denver, Colorado. Petitioner has not provided a statement as to how information and mail is transferred between offices and whether the docket records cover both offices. Accordingly, petitioner has failed to overcome the presumption that the Notice was properly mailed.

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[3]

Petition to Revive Under 37 CFR 1.137(b)

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by the required reply, the required petition fee, and 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 filing of a petition under 37 C.F.R. § 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 C.F.R. § 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 C.F.R. § 1.137(b).

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. This petition is hereby **Granted**.

The application is being forwarded to Technology Center 3700 for further processing.

---

[2] M.P.E.P. § 711.03©); See Notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

[3] See MPEP 711(c)(III)©)(2) for a discussion of the requirements for a showing of unavoidable delay.

Telephone inquiries should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Darin J. Gibby
1200 Seventeenth Street
Suite 2700
Denver, Colorado 80202

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

NOV 22 2002

Paper No. 11

In re Application of
William Bellis Somers *et al*
Application No. 09/551,445
Filed: April 18, 2000
Attorney Docket No. 600.1048

DECISION ON PETITION

This is a decision on the petition filed by facsimile transmission on May 14, 2002 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file a reply to the Office letter dated August 9, 2001. No fee is required for the petition.

The petition is granted.

Petitioners allege that the application was not abandoned, because a timely reply to the Office letter in question was in fact filed. Petitioners support this allegation by furnishing a copy of the reply, and a copy of a receipt for the filing of the reply which shows that the reply was actually received in the Office on September 10, 2001, (a Monday), within the period set in the Office letter in question for reply thereto. This showing clearly establishes that the Office letter in question was not abandoned.

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 examiner for action on the reply filed on September 10, 2001.

PETITION GRANTED.

E. Rollins-Cross, Director, Patent
Examining Groups 3710 and 3720

Davidson, Davidson & Kappel, L.L.C.
485 Seventh Avenue
14th Floor
New York, NY 10018

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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APR 11 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

In re Application of
Sadao Takahashi
Application No. 09/551,466
Filed: April 17, 2000
For: **IMAGE BINARIZATION APPARATUS, IMAGE BINARIZATION METHOD, IMAGE PICKUP APPARATUS, IMAGE PICKUP METHOD, AND A COMPUTER PRODUCT**

Decision on Petition

This is a decision on the petition filed March 2, 2005, pursuant to 37 C.F.R. §1.181.

The March 2, 2005 petition request that the Information Disclosure Statement (IDS), filed on December 17, 2004, be considered and acknowledged.

The petition is **Dismissed as Moot**.

In a communication from the examiner on March 25, 2005, the examiner discussed their determination of the references relative to claims 29, 30, 57, 58, 65 and 67. In addition, accompanying the Interview Summary was an initialed copy of the form 1449 which lists the references provided on December 17, 2004.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications

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)
6315000	2001-11-13	09551782	2000-04-18	COMM

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	/Jesse D. Lambert/	Date (YYYY-MM-DD)	2010-03-02
Name	Jesse D. Lambert	Registration Number	38215

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.

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6315000
Issue Date: November 13,2001
Application No. 09551782
Filed: April 18,2000
Attorney Docket No. 20000414

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

This is a decision on the electronic petition, filed March 2,2010 ,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 2,2010 . 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.

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MACPHERSON KWOK CHEN & HEID LLP
1762 TECHNOLOGY DRIVE, SUITE 226
SAN JOSE CA 95110

COPY MAILED

MAR 0 3 2006

OFFICE OF PETITIONS

In re Patent No. 6,952,440 :
Issue Date: October 4, 2005 :
Application No.: 09/551,802 : NOTICE
Filed: April 18, 2000 :
Attorney Docket No.: M-15557 US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed November 30, 2005 (certificate of mailing date November 28, 2005).

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**. The change of status to a large entity has been entered and made of record.

This file is being forwarded to the Files Repository.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Petitions Attorney
Office of Petitions

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NIXON PEABODY, LLP
401 9TH STREET, NW
SUITE 900
WASHINGTON DC 20004-2128

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OFFICE OF PETITIONS

In re Application of	:	
Yamauchi et al.	:	
Application No. 09/551866	:	DECISION
Filing or 371(c) Date: 04/18/2000	:	ON PETITION
Patent No.: 6512504	:	
Issue Date: 01/28/2003	:	
Attorney Docket No.: 0756-2142	:	

This is a decision on the correspondence entitled "Petition Under 37 CFR 3.81(b)," filed August 14, 2008, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The Petition is **granted**.

The petition was accompanied by a certificate of correction as required by 3.81(b), and the fee submitted with the present petition. Further, Office assignment records reflect that Semiconductor Energy Laboratory Co., Ltd., is an assignee of record. As the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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Paper No. 10

FITZPATRICK CELLA HARPER & SCINTO
30 Rockefeller Plaza
New York, New York 10112

OCT 16 2003

In re Application of	:	
Mitsuji MARUMO	:	DECISION ON PETITION
Application No. 09/551,910	:	
Filed: April 19, 2000	:	
Attorney Docket No. 00684.003000	:	

This is a decision on the petition filed August 1, 2003, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is GRANTED.

A Notice of Allowance was mailed on March 3, 2003, setting forth a three-month period of response.

Petitioner asserts that a Request for Continued Examination (RCE) with a Preliminary Amendment and the appropriate fee were timely filed on June 3, 2003 as evidenced by copies of the response and the postcard receipt indicating receipt of both papers in the Patent and Trademark Office.

The review of the application file reveals that the Preliminary Amendment was received and matched with the file. A review of the PALM database reveals that fees for the RCE and additional claims were paid by check on June 3, 2003. However, the RCE was not matched with the file and consequently the application was held to be abandoned. The application is not abandoned in fact.

For the above reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The application file is being forwarded to the technical support staff for processing the response to the March 3, 2003 office action. From there, it will be returned to the examiner for further prosecution.

José G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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spg

Mailed: 5/16/05

In re application of Barbara Westfield Serial No. 09/551,973 Filed: April 14, 2000 For: BAKING RACK ASSEMBLY AND METHOD FOR AUTOMATIC BREAD MAKING MACHINE	: : : : : : :	DECISION ON PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE OFFICE ACTION (MPEP § 711.03(c)II and 37 CFR § 1.181)) filed June 10, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of May 6, 2004, for failure to timely pay the required issue fee within the statutory period of three months from the mailing date of the Notice of Allowance be withdrawn. The petitioner asserts that the Notice of Allowance was not received at the applicant's correspondence address.

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, TMOG 1156 O.G. 53, November 16, 1993, (see also MPEP 711.03(c) - NEW PROCEDURE TMOG 1170 O.G. 114). A review of the petitioner's evidence indicates that the request has merit. The evidence presented is sufficient to establish that the applicants or applicant's representative did not receive the Notice of Allowance, mailed December 31, 2003. The evidence provided includes a statement by the petitioner that the Notice of Allowance, mailed December 31, 2003 was not received, a statement that a search of the file and docket records was made, and a statement that the search revealed the Notice of Allowance was not received. Also provided is a copy of the attorney's application docket records where the Notice of Allowance would have been posted had it been timely received. A further review of the USPTO application file also reveals that the Notice of Allowance, which was mailed December 31, 2003, contained an incorrect serial number and mailing address.

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 Notice of Allowance 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

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC
701 FIFTH AVE
SUITE 6300
SEATTLE, WA 98104-7092

UNITED STATES DEPARTMENT OF COMMERCE
COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450

Date : 4/22/2009
Patent No. : 6,982,729 B1
Serial No. : 09/552,060
Inventor(s) : Lange et al.
Issue Date : January 3, 2006
Title : **CONSTANT SIZE IMAGE DISPLAY INDEPENDENT OF SCREEN RESOLUTION**
Doc./File No. : **10991401-1**

Re: Certificate of Correction (Reconsideration)

Consideration has been given your request for a certificate of correction (reconsideration), for the above-identified patent under the provisions of Rule 1.322 and 1.323.

Respecting the alleged errors in your request, inspection of the file of the application for the patent reveals that all 7 pages of the SB44/1050 form is not legible (blurred and clustered, small font). Therefore, no correction is in order here. Please provide the office with a clearer more readable copy.

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

Further consideration will be given concerning this matter upon receipt of a request for **Reconsideration** (reconsideration should be accompanied by supporting document(s) such as, amendment, postcard receipt, 1449/892, etc.) and should be filed and directed to Decisions & Certificates of Correction Branch with the appropriate fee of 100.00 if necessary.

Ernest C. White, *LIE* (703) 756-1590
Mary F. Diggs, *Supervisor* (703) 308-9390 x125
Decisions & Certificates of Correction Branch

HEWLETT PACKARD COMPANY
P O BOX 272400, 3404 E. HARMONY ROAD
INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS CO 80527-2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 0 5 2004
PATENT & TRADEMARK OFFICE

Paper No. 12

THOMAS A. O'ROURKE
BODNER & O'ROURKE, L.L.P.
425 BROADHOLLOW ROAD
MELVILLE, NY 11747

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DEC 0 9 2003

OFFICE OF PETITIONS

In re Application of
White et al.
Application No. 09/552,080
Filed: April 19, 2000
For: Universal Tractor Hitch For Preventing Lateral Movement Of Implements

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed November 10, 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 1.181 is **DISMISSED.**

The petition under 37 CFR 1.137(b) 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 October 17, 2001. Accordingly, the above-identified application became abandoned on January 18, 2002. A Notice of Abandonment was mailed on April 23, 2002.

Petitioner contends the Notice of Allowance mailed on October 17, 2001, was never received.

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).

Accordingly, due to the lack of evidence submitted by the petitioner, the petition under 37 CFR 1.181 is hereby dismissed.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The formal drawings filed November 10, 2003, have been reviewed and approved by the Official Draftsperson.

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 within **ONE MONTH** from the mail date of this decision.

The file is being forwarded to the Publishing Division to be processed into a patent.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enclosure: PTOL-85b

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 02 2000

Group 2700

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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JON L ROBERTS ESQ
ROBERTS ABOKHAIR & MARDULA LLC
11800 SUNRISE VALLEY DRIVE SUITE 1000
RESTON , VA 20191-5302

Paper No. 3

In re Application of Light et al
Appl. No.: 09/552,088
Filed: April 19, 2000
For: METHOD AND APPARATUS FOR DATA RECIPIENT STORAGE AND RETRIEVAL OF DATA USING A NETWORK COMMUNICATION DEVICE

DECISION ON PETITION TO MAKE SPECIAL
37 CFR 1.102

This is a decision on a copy of a petition under 37 CFR 1.102, filed July 6, 2000 to make the above-identified application special.

Petitioner(s) request that this application be made special under the accelerated examination procedure set forth in MPEP 708.02, Section II: Infringement.

A grantable petition to make an application special under 37 CFR 1.102 and in accordance with MPEP 708.02, Section II, must be accompanied by the required fee pursuant to 37 CFR 1.17(i) and a statement by applicant(s) or assignee or a statement by an attorney/agent registered to practice before the PTO in support of the petition stating:

1. that there is an infringing device or product on the market or method in use,

2. that a rigid comparison of the alleged infringing device, product or method with the claims of the application was made,

3. that some of the claims are unquestionably infringed, and

4. that a careful search of the prior art was made or that applicant(s) have good knowledge of the pertinent prior art.

The petition meets the requirements for special status. The petition fee was paid with the first petition.

For the above stated reasons, the petition is Granted.

If the examiner can make this application special without prejudice to any possible interfering application, and the examiner should make a rigid search for such, the examiner 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 necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any intervening application for the same subject matter, the examiner should consider such application simultaneously with this application and should state in the official letter of such application that the examiner has taken it out of turn because of a 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 PTO officials concerned, contingent like upon diligent prosecution by applicant.

The petition is granted to the extent indicated.

James J. Groody (703) 308-5461
Special Program Examiner
Technology Center 2700
Communications and Information Processing

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LADAS & PARRY
26 WEST 61st STREET
NEW YORK, NY 10023

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JUN 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Kipnis, et al. :
Application No. 09/552,115 : ON PETITION
Filed: April 19, 2000 :
Attorney Docket No. U 013188-5 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 3, 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 non-final Office action mailed February 12, 2004, and re-mailed with the period for reply restarted on March 24, 2004. Accordingly, this application became abandoned on June 25, 2004. A Notice of Abandonment was mailed on February 22, 2005.

The file is being forwarded to Technology Center 2100, for review of the amendment filed June 3, 2005.

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

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OFFICE OF PETITIONS

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

In re Patent No. 6,804,783
Issue Date: 10/12/2004
Application No. 09/552,476
Filed: 04/18/2000
Attorney Docket No. GRAPH-003COB

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.78(a)(3) AND
: REQUEST FOR CERTIFICATE OF
: CORRECTION
:

This is a decision on the petition under 37 CFR 1.78(a)(3), filed October 17, 2008, seeking to add a claim for priority under 35 U.S.C. § 120 to a prior-filed nonprovisional application by way of a certificate of correction.

The petition is **granted**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional application was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The present application was filed November 3, 2003. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

(1) the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR § 1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should promptly notify the Office.

As the petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the above-noted, prior-filed nonprovisional application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

A corrected Filing Receipt, which includes the priority claim to the above-noted, prior-filed nonprovisional application, accompanies this decision on petition.

Petitioner is advised that the granting of this petition and the mailing of a corrected Filing Receipt should not be viewed as an indication that a determination has been made that this application is entitled to claim benefit of the prior-filed application. A determination that applicant is entitled to claim benefit of the prior-filed application will be made by the Examiner prior to the mailing of a certificate of correction.

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

This application is being referred to the Certificates of Correction Branch for processing the request for a certificate of correction in accordance with this decision on the petition under 37 CFR 1.78(a)(3).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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 NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
09/552,476	04/18/2000	2135	572	GRAPH-003COB	25	6

CONFIRMATION NO. 2340

CORRECTED FILING RECEIPT

28661
LEWIS AND ROCA LLP
1663 Hwy 395, Suite 201
Minden, NV 89423

OC000000032855374

Date Mailed: 10/29/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. 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 submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)

Ralph E. Wesinger, San Jose, CA;
Christopher D. Coley, Residence Not Provided;

Power of Attorney:

Leslie Wilson--33816
Timothy Newman--34228
Lawrence Crowe--35110
Darrin Harris--40636
Anthony Sheldon--47078
Frank Nicholas--33983

Domestic Priority data as claimed by applicant

This application is a CON of 09/299,941 04/26/1999 PAT 6,052,788
which is a CON of 08/733,361 10/17/1996 PAT 5,898,830

Foreign Applications

If Required, Foreign Filing License Granted: 06/27/2000

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 09/552,476**

Projected Publication Date: None, application is not eligible for pre-grant publication

Non-Publication Request: No

Early Publication Request: No
**** SMALL ENTITY ****

Title

FIREWALL PROVIDING ENHANCED NETWORK SECURITY AND USER TRANSPARENCY

Preliminary Class

713

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at http://www.uspto.gov/web/offices/pac/doc/general/index.html.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, http://www.stopfakes.gov. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign AssetsControl, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

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Paper No. 12

ANTONELLI TERRY STOUT & KRAUS LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VIRGINIA 22209

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JAN 17 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of	:	
Shigekazu Kato et al	:	
Application No. 09/552,572	:	ON PETITION
Filed: April 19, 2000	:	
Attorney Docket No. 503.30414V16	:	

This is a decision on the petition, filed November 22, 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).

Petitioner is advised that the issue fee paid on November 2, 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) 305-8680.

The application is being forwarded to Technology Center AU 3749 for processing of the request for continued examination under 37 CFR 1.114.

Frances Hicks

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 7

MAIL

JUN 2 6 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Silicon Valley Intellectual Property Group
P.O. Box 721120
San Jose, California 95112

In re Application of: Limor Schweitzer et al.)
Application No. 09/552,818)
Filed: April 20, 2000)
For: METHOD AND APPARATUS FOR)
SESSION RECONSRUCTION)

DECISION ON PETITION UNDER M.P.E.P. §708.02(II): INFRINGEMENT

This is a decision on the petition, filed 15 Junel 2001, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

A grantable petition under 37 C.F.R. §1.102(c), and M.P.E.P. §708.02, Section II, must be accompanied by payment of the fee under 37 C.F.R.§1.117(i) and a statement under 37 C.F.R. §1.102 by the applicant or assignee or statements by an attorney/agent registered to practice before the Patent and Trademark Office that (A) there is an infringing device or product actually on the market or method in use; (B) a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed: and (C) he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the prior art. A fee under 37 C.F.R. for such a petition is required .

Applicant's submission meets all the criteria set out above, accordingly, the Petition is **GRANTED**. The application file is being forwarded to the Examiner of Record for expedited examination.

Pinchus M. Laufer

Pinchus M. Laufer
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 11

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AUG 27 2002

OFFICE OF PETITIONS

Allergan Inc
2525 Dupont Drive
Irvine, CA 92612

In re Application of
Pacifici et al.
Application No. 09/552,823
Filed: April 20, 2000
Attorney Docket No.17327CIP (HL)

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 24, 2002, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office Action of July 23, 2001. The final Office Action set a three (3) month shortened statutory period for reply. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on October 24, 2001. An amendment submitted on January 11, 2002 (certificate of mailing date of October 23, 2001) did not place the application in condition of allowance pursuant to the advisory action mailed on January 31, 2002. An untimely request for a Continued Prosecution Application (CPA) was filed on February 26, 2002.

The requirements for the filing of a grantable petition under 37 CFR §1.137(b) have been met. This Petition is hereby **Granted**.

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 the Continued Prosecution Application (CPA) filed April 24, 2002.

The Office acknowledges receipt of the amendment submitted with the instant petition.

Deposit account 01-0885 is being credited with the $740.00 CPA fee submitted on February 26, 2002. This application was abandoned on February 26, 2002, thus a request for CPA could not be processed.

This application is being forwarded to Technology Center 1600 for processing of the CPA.

Telephone inquiries concerning this matter should be directed to Petitions Attorney Charlema R. Grant at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Brett C. Martin
1650 Tysons Boulevard
McLean, VA 22102

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MAR 1 4 2005

OFFICE OF PETITIONS

In re Application of :
Mark Longworth, et al. :
Application No. 09/552,878 : ON PETITION
Filed: April 20, 2000 :
Attorney Docket No. MAN0002-US :

This is a decision on the petition under 37 CFR 1.182, filed April 27, 2004 and supplemented on October 13, 2004, 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. Mark Longworth
2. John D. Abromovage
3. Todd A. Moore
4. Scott V. Totman
5. Vince Romano

This application is being referred to Technology Center 2100 for further examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3223.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No. 11

MARKISON & RECKAMP PC
115 WILD BASIN ROAD
SUITE 107
AUSTIN, TX 78746

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DEC 03 2003

OFFICE OF PETITIONS

In re Application of :
Ralph C. Taylor et al :
Application No. 09/552,932 : ON PETITION
Filed: April 20, 2000 :
Attorney Docket No. 0100.0000770 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 24, 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 2, 2003, 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, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 3, 2003.

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 $950.00 extension of time submitted with the petition on November 24, 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 2671 for processing of the request for continued examination (RCE) under 37 CFR 1.114.

Wan Laymon
Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: CHRISTOPHER J. RECKAMP
VEDDER PRICE KAUFMAN & KAMMHOLZ P.C.
222 N. LaSALLE STREET
CHICAGO, IL 60601

UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY
AND DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
PO BOX 1450, ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

MAY 7 2003

AUDLEY A CIAMPORCERO JR
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

#10

In re Application of	:
Scott Dax et al	:
Serial No.: 09/552,969	: WITHDRAWAL OF ABANDONMENT
Filed: April 20, 2000	:
Attorney Docket No.: ORT-1230	:

This is in response to applicants' petition under 37 CFR 1.181, filed June 4, 2002, requesting revival of the above-identified application based on timely filing of a reply.

A review of the file history shows the examiner mailed a first Office action to applicants on September 22, 2000, setting a three month shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed to applicants on June 19, 2001. Applicants state that a reply was filed on January 19, 2001, including a request for a one month extension of time and fee therefor, and provide a copy of the reply. Based on the statements and evidence of record it is concluded that the reply was timely filed, but never correlated with the file. Applicants copy submitted with the petition will be used in lieu thereof. In view thereof, the Notice of Abandonment is withdrawn and the application is restored to a pending status with the mailing of this decision.

Applicants' petition is **GRANTED**.

In view of the granting of the petitoin under 37 CFR 1.181, the petition under 37 CFR 1.137(b) is DISMISSED as moot. In view of the dismissal of this petition the petition fee paid of $1280.00 will be credited to applicants' Deposit Account No. 10-0750, as directed.

The application will be forwarded to the examiner for further action.

Should there be any questions regarding 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

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MARGER JOHNSON & MCCOLLOM, P.C.
210 SW MORRISON STREET, SUITE 400
PORTLAND OR 97204

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AUG 24 2005

OFFICE OF PETITIONS

In re Application of
Jeremy Gaylord
Application Number: 09/552,997
Patent: 6,882,361
Attorney Docket Number: 5038-42
Filing Date: April 19, 2000
Issue Date: April 19, 2005

DECISION ON PETITION

This is a decision on the petition to correct the assignee under 37 CFR 1.183 filed on May 20, 2005. The petition is properly treated under 37 CFR 3.81 (b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **Granted**.

Petitioner has submitted a $400.00 petition fee. Pursuant to petitioner's request deposit account 13-1703 is being refunded $170.00. The certificate of correction pursuant 37 CFR 1.20 (a) fee is $100.00 and the processing fee pursuant to 37 CFR 1.17(i) is $130.00. A petition fee is no longer required.

This application is being forwarded to the Certificate of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (703) 305-8309.

Charlema R. Grant
Petitions Attorney
Office of Petitions

[1]See 69 Fed. Reg. 29865 (May 26, 2004).

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United States Patent and Trademark Office
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Paul H Johnson
Head Johnson & Kachigian
228 West 17th Place
Tulsa, OK 74119

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MAY 0 4 2005

OFFICE OF PETITIONS

In re Application of	:
Paul ENTWISTLE	:
Application No. 09/553,011	: DECISION GRANTING PETITION
Filed: April 20, 2000	: UNDER 37 CFR 1.137(b)
Attorney Docket No. 00164	:

This is a decision on the petition under 37 CFR 1.137(b), filed March 7, 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 13, 2004, which set a shortened statutory period for reply of three (3) months. A three-month extension of time under the provisions of 37 CFR 1.136(a) were obtained on January 13, 2005. Accordingly, by operation of law, the above-identified application became abandoned on January 14, 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); (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 13, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Betsy L. Deppe at (571) 272-6052 or in her absence, the undersigned at (571) 272-3217.

The application file is being referred to Technology Center AU 2131.

Brian Hearn

Brian Hearn
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
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Paper No. 8

KELLY K KORDZIL
WINSTEAD SECHREST & MINICK
100 CONGRESS AVENUE SUITE 800
AUSTIN , TX 78701

MAIL
JUL 27 2001
DIRECTOR OFFICE
TECHNOLOGY CENTER 2800
JUL 2
DIRECTOR OFFICE
TECHNOLOGY CENTER 2800

In re Application of:
Marc Eller et al.
Application No.: 09/553,012
Filed: April 20, 2000
For: System and Method for Selling Advertising Space on Electronic Billboards over the Internet

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102, filed June 22, 2001, to make the above-identified application special.

The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P. § 708.02, item II: Infringement.

A grantable petition under 37 C.F.R. § 1.102(d), M.P.E.P. § 708.02, item II: Infringement, must be accompanied by the required fee and a statement alleging:

(1) that there is an infringing device or product actually on the market or method in use;

(2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and

(3) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

Further, Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition is **GRANTED**.

The application will retain its special status throughout its entire course of prosecution the Patent and Trademark Office, including appeal, if any to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant.

The application file will be forwarded to the examiner for expedited prosecution.

Kenneth A. Wieder

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4710

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 21

ROYAL N. RONNING, JR., VICE PRESIDENT
AMERSHAM PHARMACIA BIOTECH INC.
800 CENTENNIAL AVENUE
P.O. BOX 1327
PISCATAWAY, NJ 08855-1327

COPY MAILED

JAN 16 2003

OFFICE OF PETITIONS

In re Application of	:	
Morten Eriksen et al	:	
Application No. 09/553,048	:	ON PETITION
Filed: April 20, 2000	:	
Attorney Docket No. NIDN-10351	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 30, 2002, to revive the above-identified application.

The petition is **GRANTED**.

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.

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 May 10, 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 November 11, 2002.

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 1616.

Wan Laymon

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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EXXONMOBIL RESEARCH AND ENGINEERING COMPANY
P.O. BOX 900
1545 ROUTE 22 EAST
ANNANDALE, NJ 08801-0900

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JUN 07 2006

OFFICE OF PETITIONS

In re Application of Ellis et al. :
Application No. 09/553,107 :
Filing Date: April 20, 2000 :
Attorney Docket No. GJH-0018 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed April 5, 2006, to revive the above-identified application.

The petition is **DISMISSED**.

The petition cannot be granted because a terminal disclaimer has not been filed.

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 March 28, 2005, 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 May 29, 2005. See MPEP 1215.04. A Notice of Abandonment was mailed on November 14, 2005.

Per MPEP 711.03(c) under "G. Terminal Disclaimer Requirement,"

> [A] terminal disclaimer (and fee) is ... required for a utility or plant application filed on or after June 8, 1995, but before May 29, 2000, where the application became abandoned (1) during appeal, (2) during interference, or (3) while under a secrecy order. 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) (as a result of the Uruguay Round Agreements Act (URAA)). See 35 U.S.C. 154(b) (1999); see also 37 CFR 1.701. If such an application is abandoned (1) during appeal, (2) during interference, or (3) while under a secrecy order, the patentee of a patent issuing from such an application is eligible for patent term extension for the entire period of abandonment. The requirement for a terminal disclaimer for these situations will make certain that any patent term extension obtained for the period of abandonment while the application is under appeal, interference, or a secrecy order will

be dedicated to the public. For utility and plant applications filed on or after May 29, 2000, a terminal disclaimer (and fee) is not required since the period of abandonment is reduced from the patent term adjustment pursuant to 37 CFR 1.704.

The instant application was filed between June 8, 1995, and May 29, 2000. The instant application became abandoned during appeal. Therefore, a terminal disclaimer must be filed. 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 permitted. The reconsideration request should include 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: 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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attached: Terminal Disclaimer Form PTO/SB/63

PTO/SB/63 (09-04)
Approved for use through 07/31/2006. 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 a collection of information unless it displays a valid OMB control number.

TERMINAL DISCLAIMER TO ACCOMPANY PETITION

Docket Number (Optional)

In re Application of:

Name:

Application Number:

Filed:

For:

The owner*, _____ of _____ percent interest in the above-identified application hereby disclaims a terminal part of the term of any patent granted the above-identified application equivalent to: (1) if the above-identified application is a design application, the period of abandonment of the above-identified application, and (2) if the above-identified application is a utility or plant application, the lesser of: (a) the period of abandonment of the application; or (b) the period extending beyond twenty years from the date on which the above-identified application 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. This disclaimer also applies to any patent granted on a utility or plant application filed before June 8, 1995, or a design application, that contains a specific reference under 35 U.S.C. 120, 121, or 365(c) to the above-identified application. This disclaimer is binding upon the grantee, and its successors or assigns.

Check either box 1 or 2 below, if appropriate.

1. ☐ For submissions on behalf of an organization (e.g., corporation, partnership, university, government agency, etc.), the undersigned is empowered to act on behalf of the organization.
2. ☐ The undersigned is an attorney or agent of record. Registration Number_____.

Signature	Date
Typed or Printed Name	Telephone Number

☐ Terminal disclaimer fee under 37 CFR 1.20(d) included.

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.

* Statement under 37 CFR 3.73(b) is required if terminal disclaimer is signed by the assignee (owner). Form PTO/SB/96 may be used for making this certification. See MPEP § 324.

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 1.11 and 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, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: 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.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EXXONMOBIL RESEARCH AND ENGINEERING COMPANY
P.O. BOX 900
1545 ROUTE 22 EAST
ANNANDALE, NJ 08801-0900

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SEP 29 2006
OFFICE OF PETITIONS

In re Application of Ellis et al. :
Application No. 09/553,107 : Decision on Petition
Filing Date: April 20, 2000 :
Attorney Docket No. GJH-0018 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed July 17, 2006, 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 March 28, 2005, 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 May 29, 2005. See MPEP 1215.04. A Notice of Abandonment was mailed on November 14, 2005.

The instant petition requests revival of the application.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

Technology Center Art Unit 1764 will be informed of the instant decision. The RCE and the other papers filed April 5, 2006, will be entered and considered by the examiner in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 15

ExxonMobil Research and Engineering Company
P.O. Box 900
1545 Route 22 East
Annandale, NJ 08801-0900

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FEB 26 2003

OFFICE OF PETITIONS

In re Application of :
Edward S. Ellis, et al. :
Application No. 09/553,108 :
Filed: April 20, 2000 :
Attorney Docket No. GJH-0017 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed January 22, 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 March 19, 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 application became abandoned on June 20, 2002.

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 1700, Art Unit 1764 for processing the Request for Continued Examination under 37 CFR 1.114, filed on January 22, 2003.

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
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LSI CORPORATION
1621 BARBER LANE
MS: D-105
MILPITAS CA 95035

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NOV 1 0 2008

OFFICE OF PETITIONS

In re Application of :
Michael J. BERMAN :
Application No. 09/553,140 : ON PETITION
Filed: April 20, 2000 :
Attorney Docket No. 99-230 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed April 14, 2008.

The petition is **GRANTED.**

The record shows that a Decision by the Board was mailed on October 31, 2007, which set a two (2) month shortened statutory period for reply. Accordingly, a reply was due on or before December 31, 2007. The application became abandoned on January 1, 2008.

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 $1540; and (3) the required statement of unintentional delay.

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 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.

Inquiries concerning this decision may be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 2624 for further action as the nature of the case may require.

Thurman Page
Petitions Examiner
Office of Petitions

cc: JAMES D. WOOD
MAGINOT, MOORE & BECK LLP,
CHASE TOWER
111 MONUMENT CIRCLE, SUITE 3250
INDIANAPOLIS, IN 46204-5109

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ATI TECHNOLOGIES, INC.
C/O VEDDER PRICE KAUFMAN &
KAMMHOLZ
222 N. LASALLE STREET
CHICAGO IL 60601

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JUN 2 9 2005

OFFICE OF PETITIONS

In re Application of	:	
Philip L. Swan et al	:	
Application No. 09/553,143	:	ON PETITION
Filed: April 20, 2000	:	
Attorney Docket No. 0100.0000230	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 7, 2005, 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 November 4, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 5, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Patent Publication.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, DC 20231
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Paper No. 10

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS MN 55415-1002

In re Application of:
Zine-Eddine Boutaghou, et al.
Application No: 09/553,220
Filed: April 20, 2000
For: BENDING MICROACTUATOR HAVING A TWO-PIECE SUSPENSION DESIGN

: DECISION ON PETITION

This is in response to the Petition to withdraw the Holding of Abandonment for the above-identified application, filed September 25, 2002.

The application was abandoned for failure to respond in a timely and effective manner to the non-final Office action mailed February 27, 2002. A Notice of Abandonment was mailed June 4, 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 the response was received in the Patent and Trademark Office on May 16, 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 for entry of the copy of the response. From there the application file will be forwarded to the examiner for consideration in due course.

James L. Dwyer, Director
Technology Center 2600
Communications

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ALEXANDRIA, VA 22313-1450
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Paper No. 13

Mr. S. H. Dworetsky
AT & T Corp.
P.O. Box 4110
Middletown, NJ 07748

MAIL

OCT 1 5 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Aviel D. Rubin, et al.
Application No. 09/553,361
Filed: April 20, 2000
For: SYSTEM AND METHOD FOR STORAGE AND RETRIEVAL OF PERSONAL COMMUNICATIONS IN A BROADBAND NETWORK

DECISION ON PETITION

This is a response to the facsimile copy of a previously filed response which is being treated as a Petition to Withdraw Holding of Abandonment, filed July 15, 2004. The communication is being treated under 37 CFR 1.8(b) to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a response to the Office action mailed November 12, 2003, which set a shortened statutory period of three (3) months to reply. No Notice of Abandonment was mailed.

Petitioner alleges to have timely filed a response to the Office action on February 26, 2004. To support this position, Petitioner has provided a copy of the response, including a request for a one month extension of time, and bearing a proper certificate of facsimile transmission with a transmission date of February 26, 2004.

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. <u>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.</u>

Petitioner has met the requirements above. While a statement which attests on a personal knowledge basis has not been provided by Mr. Henry Brendzel; an e-mail communication was provided by Ms. Christine Henderson wherein Mr. Brendzel was cc'd. Furthermore, a copy of the sending unit's report confirming transmission was also provided to support this statement. Accordingly, the holding of abandonment is withdrawn.

The application will be forwarded to the Technology Center's technical support staff for entry of the copy of the response. From there, the file will be forwarded to the examiner for consideration in due course.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 13

ExxonMobil Research and Engineering Company
P.O. Box 900
Annadale, NJ 08801-0900

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JAN 16 2003

OFFICE OF PETITIONS

In re Application of
Edward S. Ellis, et al.
Application No. 09/553,374
Filed: April 20, 2000
Attorney Docket No. GJH-0019

ON PETITION

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 **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 37CFR 1.113 to the final Office action of February 5, 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, or the filing of a continuing application. See MPEP 711.03(c)(III)(A)(2). Since the amendment submitted with the instant petition does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee) or the filing of a continuing application. See attached Advisory Action.

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 Cheryl Gibson-Baylor at (703)308-5111, or in her absence, Sherry Brinkley at (703)305-9220.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Sherry Brinkley
Petitions Examiner

Attachment: Advisory Action

Advisory Action	Application No.	Applicant(s)	
	09/553,374	ELLIS ET AL.	
	Examiner	Art Unit	
	Jerry D. Johnson	1764	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 November 2002 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

a) ☐ The period for reply expires _____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. ONLY CHECK THIS BOX 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).

1.☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.

2.☒ The proposed amendment(s) 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 Continuation Sheet*.

3.☐ Applicant's reply has overcome the following rejection(s): _____.

4.☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).

5.☐ The a)☐ affidavit, b)☐ exhibit, or c)☐ request for reconsideration has been considered but does NOT place the application in condition for allowance because: _____.

6.☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.

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: *none*.

Claim(s) objected to: _____.

Claim(s) rejected: *1-7 and 9-26*.

Claim(s) withdrawn from consideration: _____.

8.☐ The proposed drawing correction filed on _____ is a)☐ approved or b)☐ disapproved by the Examiner.

9.☐ Note the attached Information Disclosure Statement(s)(PTO-1449) Paper No(s). _____.

10.☐ Other: _____

Jerry D. Johnson
Primary Examiner
Art Unit: 1764

Continuation of 2. NOTE: Limiting the hydrogen portion of the treat gas in the second stage to less than 1.5 times the chemical hdrogen consumption in the second stage is a new issue which would require further consideration and/or search.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 17

ExxonMobil Research and Engineering Company
P.O. Box 900
Annadale, NJ 08801-0900

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MAR 0 4 2003

OFFICE OF PETITIONS

In re Application of
Edward S. Ellis, et al.
Application No. 09/553,374
Filed: April 20, 2000
Attorney Docket No. GJH-0019

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 19, 2003, to revive the above-identified application. As no further fee for treatment of the renewed petition is necessary, the petition fee submitted with the renewed petition on February 19, 2003, is being refunded to petitioner's Deposit Account No. 05-1330.

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 5, 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 application became abandoned on May 6, 2002.

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 1700, Art Unit 1764 for processing the Request for Continued Examination under 37 CFR 1.114, filed on February 19, 2003.

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
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WASHINGTON, D.C. 20231
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Paper No. 22

Alston & Bird
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

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DEC 1 3 2001

OFFICE OF PETITIONS

In re Application of	:	
Dominique Briere et al.	:	
Application No. 09/553,413	:	ON PETITION
Filed: April 20, 2000	:	
Attorney Docket No. 11496-195086	:	

This is a decision on the petition under 37 CFR 1.313(b)(5), filed November 8, 2001, which is being treated as a petition under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee. See 1233 *Official Gazette* 54 (April 11, 2000).

The petition is **GRANTED**.

The above-identified application is hereby 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 June 29, 2001 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 November 8, 2001.

Telephone inquiries should be directed to the undersigned at (703) 308-6911.

The application is being forwarded to Technology Center AU 1722 for processing of the CPA.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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FISH & NEAVE IP GROUP
ROPES & GRAY LLP
1251 AVENUE OF THE AMERICAS FL C3
NEW YORK NY 10020-1105

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JUL 18 2006

OFFICE OF PETITIONS

In re Application of	:	
Fraser et al.	:	
Application No. 09/553,423	:	ON PETITION
Filed: April 19, 2000	:	
Attorney Docket No. CF/002	:	

This is a decision on the petition under 37 CFR 1.102(c)(1), filed June 26, 2006, to make the above-identified application special based on applicant's age as set forth in M.P.E.P. § 708.02, Section IV.

The petition is **GRANTED**.

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

The instant petition includes a copy of the applicant's driver's license. Accordingly, the above-identified application has been accorded "special" status.

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

This matter is being referred to the Technology Center Art Unit 3693 for action on the merits commensurate with this decision.

Liana Chase
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 12/4/06

TO SPE OF : ART UNIT 2134

SUBJECT : Request for Certificate of Correction for Appl. No.: 9/553454 Patent No.: 7046804 B1

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**.

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: THE DELETION OF THE WORD "DEFLECTION" ON ISSUED CLAIM 6, DOES NOT CHANGE THE MEANING OF THE CLAIM. ECT

SPE ____ 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
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Paper No.

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

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FEB 13 2004

OFFICE OF PETITIONS

In re Application of
Sudhir Shah
Application No. 09/553,496
Filed: April 20, 2000
Attorney Docket No. 2629.1003-003

ON PETITION

This is a decision on the petition, filed February 11, 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 December 29, 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 1654 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

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[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
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OFFICE OF COUNSEL BLDG 112T
NAVAL UNDERSEA WARFARE CENTER DIVISION NEWPORT
1176 HOWELL STREET
NEWPORT, RI 02841-1708

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JUN 1 6 2004

OFFICE OF PETITIONS

In re Application of
Scott D. Fisher
Application No. 09/553,510
Attorney Docket No. 78782

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 12, 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 21, 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 22, 2002.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (703) 306-5684.

The application file is being forwarded to Technology Center AU 2863 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
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SIEMENS CORPORATION
INTELLECTUAL PROPERTY LAW DEPARTMENT
170 WOOD AVENUE SOUTH
ISELIN NJ 08830

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SEP 15 2006
OFFICE OF PETITIONS

In re Application of :
Brian D. Kilmartin et al. :
Application No. 09/553,647 :
Filed: April 20, 2000 :
Attorney Docket No. 99602179 :

ON PETITION

This is a decision on the petition filed May 5, 2006 under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition under 37 CFR 1.137 (b) is **GRANTED**.

This application became abandoned March 22, 2006 for failure to timely pay the issue fee on or before March 21, 2006. Accordingly, a Notice of Abandonment was mailed April 26, 2006.

The issue fee and petition fee have been applied. All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

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

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[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 a nonprovisional 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 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)).

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Paper No. 8

MAIL

DEC 3 0 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Calrence A Gree
Perman & Green LLp
425 Post Road
Fairfield CT 06430

In re Application of :
JANNE HYOTYLAINEN :
Application No. 09/553,663 : DECISION ON PETITION
Filed: April 21, 2000 :
For: WIRELESS COMMUNICATION DEVICES

This is a decision on the Petition to Withdraw Holding of Abandonment which will be considered as having been filed under 37 CFR § 1.181(a), on August 6, 2003. No fee is required.

The petition is **GRANTED**.

The application was abandoned for failure to timely file a response to the outstanding Office action (paper No.5) mailed June 25, 2002. A Notice of Abandonment was mailed July 16, 2003.

Petitioner asserts that a response to the outstanding Office action was timely filed November 25, 2002. To support this position, Petitioner has included with the petition a copy of the response which includes a certificate of mailing and a date stamped mailroom receipt, indicating USPTO receipt of the amendment on December 2, 2002. The postcard dated December 2, 2002, itemizes the amendment (16 pages), certificate of mailing and a Check in the amount of $400.00. Petitioner submitted a copy of the amendment which includes the certificate of mailing along with the petition.

The original papers have since been matched with the application. Accordingly, it is concluded that the papers were timely filed in the Patent and Trademark Office but not matched with the application file Therefore, the record is clear that the application was ***not abandoned in fact*** and a Notice of Abandonment should not have been issued. The Notice of Abandonment is vacated.

The application will be forwarded to the Technology Center's technical support staff for entry of the amendment. From there, the file will be forwarded to the examiner for appropriate consideration.

Mark R. Powell

Mark Powell, Director
Technology Center 2600
Communications
(703) 305-4800

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
www.uspto.go

Paper No. 4

John C. Phillips
FISH & RICHARDSON P.C.
4350 La Jolla Village Drive, Suite 500
San Diego, CA 92122

MAIL

OCT 1 1 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Dennis A. Brittain
Application No.: 09/553,669
Filed: April 20, 2000
For: NETWORK DATA CAPTURE AND STORAGE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the Request to Withdraw from Representation filed October 3, 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 agnet.

The singer of the petition, John C. Phillips is not appointed as an attorney or agent of record. Therefor he is not authorized to act on behalf of the attorneys or record, nor can he effect a change of address.

For the above stated reasons, the request is **DISMISSED AS MOOT**.

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

FISH & RICHARDSON
4350 La Jolla Village Drive, Suite 500t
San Diego, CA 92122

for James R. Matthews
Vincent N. Trans
Special Programs Examiner
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
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MAIL

Paper No. 6

MAY 0 6 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Fish & Richardson P.C.
4350 La Jolla Village Drive
Suite 500
San Diego, CA 92122

In re Application of: Dennis A. Brittain	)	
Application No. 09/553,669	)	**DECISION ON REQUEST FOR**
Filed: April 20, 2000	)	**WITHDRAWAL AS ATTORNEY**
For: NETWORK DATA CAPTURE AND	)	
STORAGE	)	

This is a decision on the Request To Withdraw from Representation filed October 31, 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: Dennis A. Brittain
11026 Via Temprano
San Diego, CA 92124

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 25

Shumaker & Sieffert
8425 Seasons Parkway, Suite 105
St. Paul, MN 55125

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OFFICE OF PETITIONS

In re Application of	:	
Ingemar H. Lundquist et al.	:	
Application No. 09/553,738	:	ON PETITION
Filed: April 20, 2000	:	
Attorney Docket No. 1064-015US05	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 9, 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 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) were obtained. Accordingly, the above-identified application became abandoned on January 12, 2003.

The application file is being forwarded to Technology Center AU 3763.

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

NOTICE RE: CERTIFICATES OF CORRECTION

DATE : 9/5/03 Paper No.: 12

TO : Supervisor, Art Unit 2816

SUBJECT : Certificate of Correction Request in Patent No.: 6,337,591

A response to the following question is requested with respect to the accompanying request for a certifica 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. See attached 312 Amend Post Cert Receipt

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 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: The amended claim is broader than the original claim

Supervisor 2816 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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Paper No. 15

Hovey Williams LLP
2405 Grand Blvd., Suite 400
Kansas City, MO 64108

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FEB 14 2003

OFFICE OF PETITIONS

In re Application of
James R. Harte.
Application No. 09/553,837
Filed: April 21, 2000
Attorney Docket No. 33087

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 21, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit formal drawings in a timely manner in reply to the Notice of Allowability mailed July 29, 2002, which set a shortened statutory period for reply of three(3) months. Accordingly, the application became abandoned on October 30, 2002.

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 Office of Publications for further processing.

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Sherry D. Brinkley
Petitions Examiner