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

MAIL

JUN 14 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

David B. Cochran, Esquire
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114

In re Application of: Gary Mousseau et al.
Application No. 09/781,989
Filed: February 13, 2001
For: SYSTEM AND METHOD FOR PUSHING INFORMATION FROM A HOST SYSTEM TO A MOBILE DATA COMMUNICATIONS DEVICE

DECISION ON PETITION UNDER M.P.E.P. §708.02(II): INFRINGEMENT

This is a decision on the petition, filed May 4, 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
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

A

SYMMETRY USER GUIDE

PN 9110.01390 REV 1.0 June 22, 2000

powered by

INFOWAVE

Copyrights

© 2000 Infowave Software, Inc.

This document is copyrighted with all domestic and international rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted, in any form, by any means, without the prior written permission of Infowave Software, Inc. No patent is assumed with respect to the use of the information contained in this document.

Trademarks

Symmetry is a trademark of Infowave Software, Inc. Microsoft, Windows, Outlook, and Exchange are trademarks of Microsoft Corporation.

All other brand names and product names are trademarks or registered trademarks of their respective companies and are used with the permission of their owners.

Revisions

This document is written and published by Infowave Software, Inc. in Burnaby, B.C. Every precaution has been taken to ensure its accuracy, but if you find an error, please contact us.

Infowave Software, Inc. assumes no responsibility for errors in this document, omissions, or their consequences. The information is subject to change without notice.

Address all comments and requests regarding this document to:

Infowave Software, Inc.
4664 Lougheed Highway, Suite 188
Burnaby, B.C.
Canada V5C 5T5

Tel:	(604) 473-3700
Fax:	(604) 473-3699
Website:	http://www.infowave.com

CONTENTS

1 What is Symmetry? 1
2 System Requirements 2
3 Installing Symmetry 3
4 Using Symmetry 4
5 Customizing Symmetry's Settings 7
6 Accessing Symmetry Remotely 8
7 Configuring Outlook 10
8 General Tab 12
9 E-mail Tab 14
10 Calendar Tab 18
11 Tasks Tab 20
12 Device Tab. 21
13 Log Tab 23
14 Quick Reference 25
15 Tips for Saving Airtime 26
Index 27

FIGURES

Figure 4-1 Symmetry Icon on Desktop and in System Tray 4
Figure 7-1 Outlook Contact File 10
Figure 7-2 Outlook Services Window, Addressing Tab 12
Figure 8-1 The General Tab 13
Figure 9-1 E-mail Tab 15
Figure 9-2 E-mail Forwarding Rule Screen 16
Figure 10-1 Calendar Tab 19
Figure 11-1 Tasks Tab. 20
Figure 12-1 Device Tab 22
Figure 13-1 Log Tab 24

1 WHAT IS SYMMETRY?

Symmetry™, an innovative software product developed by Infowave Software Inc., quickly and easily extends Microsoft Outlook® to virtually any wireless device. This software blends:

- Infowave's expertise in keeping the mobile professional connected with corporate data.
- Glenayre Technologies Inc.'s leadership in wireless data devices and networks, unified messaging, and enhanced services.

Infowave owns and supports Symmetry. Glenayre is a distribution channel for the Symmetry product to the paging market.

What does Symmetry do?

Symmetry software runs on your PC and allows your wireless device — one-way or two-way pager, PCS or GSM cell phone, or personal digital assistant — to access information from your desktop Microsoft Outlook.

What does Symmetry do for you?

You can set up Symmetry to automatically forward e-mail, calendar summaries, schedule changes, meeting reminders, and task lists from Outlook to your wireless device. If you can send e-mail from your device, you can send a request to your PC for specific types of Outlook information, such as contact information from your Outlook address book. You maintain access to key, real-time desktop information while working away from your desk—without having to find a phone jack.

Is it easy to use?

Once Symmetry is set up, it runs unobtrusively in the background, monitoring Outlook activity and managing all the wireless communication with your device.

As you're leaving the office, you can enable Symmetry's automatic forwarding feature with two quick clicks of your mouse. If you forget to enable forwarding before you leave—and if you have a two-way device that can send e-mail—you can enable (or disable) automatic forwarding remotely.

When you're back at your desk, another two clicks disables automatic forwarding to save airtime.

If you are in the office, but periodically away from your desk, another two clicks enables the "On after screen saver activates" feature. This feature detects when you are not at your computer and switches automatic messaging "on" when your screen saver activates. You continue to receive important Outlook information on your wireless device, so that you can, for example, stay "in the loop" during extended meetings.

What's in this guide?

If you know how to use Outlook, you know just about everything you need to know about using Symmetry. This document guides you through the installation process, helps you customize Symmetry to fit your particular messaging needs, and, if you have a two-way device, shows you how to use Symmetry to access Outlook while away from your desk.

Need more help?

If you would like more detailed instructions or troubleshooting advice, visit http://www.getsymmetry.com.

2 SYSTEM REQUIREMENTS

Before you install Symmetry, make sure that your system meets these minimum requirements:

Client software

Symmetry supports the following Microsoft Windows platforms:

- Windows 95 OSR2 or better
- Windows 98
- Windows NT

Symmetry supports the following versions of Outlook:

- Outlook 97, version 8.03 or better
- Outlook 98
- Outlook 2000

Client hardware

To run Symmetry, you need a computer that satisfies the minimum hardware requirements for the Microsoft Windows software that is installed on it.

Server component

Symmetry requires a continuous LAN connection to a Microsoft Exchange server, and the Inbox, Calendar, and Tasks folders must be stored on the Exchange server (not in a Personal Folder).

Wireless device

Symmetry supports any wireless device enabled to receive SMTP mail.

3 INSTALLING SYMMETRY

Installing Symmetry is quick and easy. After inserting the CD-ROM or downloading the software from the web site, follow the instructions in the Setup wizard.

If you are installing Symmetry for the first time, follow these steps. If Symmetry is already installed in your system, you do not need to remove your earlier version—your new version will install over the previous version and retain all its settings. If you wish to reconfigure these settings, use the tabs in the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*).

1. Shut down Outlook and Symmetry (if you have a previous version of Symmetry on your system). To shut down Symmetry, right-click on its icon in the system tray and select **Shutdown Symmetry** from the menu.
2. Create a directory for the Symmetry files on your local drive.
3. Insert the CD-ROM or download the software from your wireless carrier's website. Save the software in the directory you just created.

   The file **SymSetup.exe** appears in the newly created directory.
4. Double-click **SymSetup.exe** to launch the Setup wizard.
5. Follow the on-screen instructions to set up and configure Symmetry.

You have now installed all of Symmetry's program files and icons. See the next section for information on how to use the icons to access windows and menus that help you manage Symmetry.

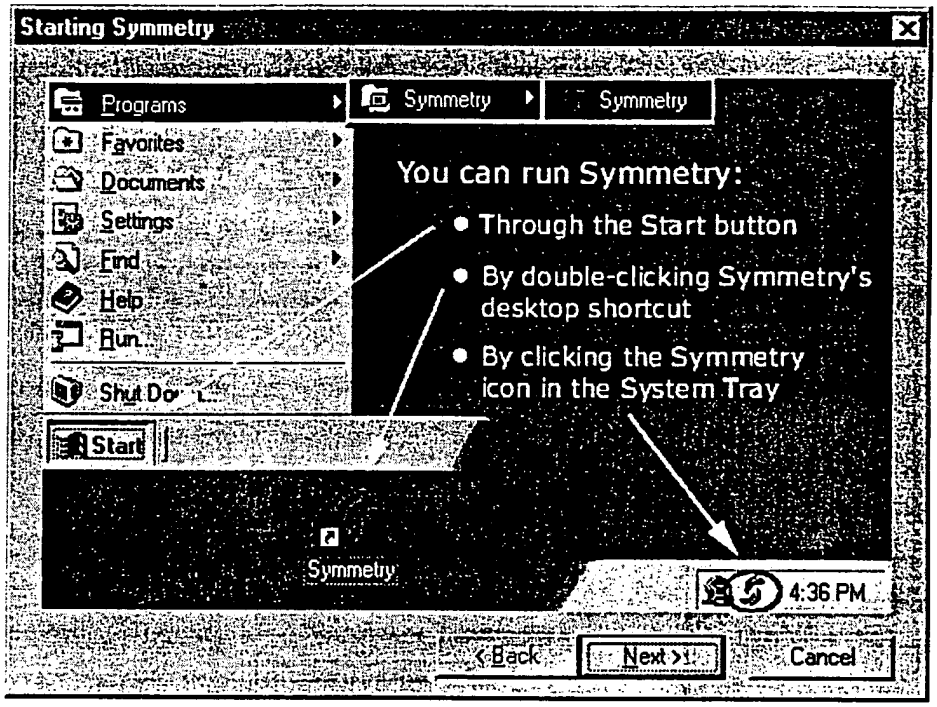
4 USING SYMMETRY

The Symmetry Icon

Once Symmetry is installed, its icon—a stylized S—appears in three places:

- In your Outlook toolbar
- As a desktop shortcut, as shown in *Figure 4-1*
- In the system tray (when Symmetry is running)—see *Figure 4-1*

Figure 4-1 Symmetry Icon on Desktop and in System Tray



From any of these three locations, you can open the Symmetry Properties window (see *Figure 8-1* on *page 13*), where you can modify the settings you selected during installation. Use this window to customize Symmetry to suit your current messaging needs (see *page 7*).

If you right-click the icon in the system tray, you access a menu with the following options:

- **Open Symmetry**—open the Symmetry Properties window.
- **About Symmetry**—confirm what version of Symmetry is running on your system.
- **On**—enable the automatic forwarding capabilities immediately.

When this is selected, the icon in the system tray will be red, indicating that Symmetry is forwarding Outlook information to your wireless device.

- **On After Screen Saver Activates**—enable the forwarding capabilities when the screen saver launches.

  When this is selected, the icon in the system tray will be red with a black and yellow triangle, indicating that Symmetry's automatic forwarding capabilities (but not its manual forwarding capabilities or its ability to accept remote commands) are currently disabled. They will, however, be enabled automatically when your screen saver starts.

- **Off**—disable the automatic forwarding capabilities.

  When this is selected, the icon in the system tray will be black. The Symmetry program is running, but it is not automatically forwarding Outlook information to your wireless device.

  Automatic forwarding capabilities can, however, be turned on remotely by sending an activation e-mail to your desktop PC's e-mail address (see *page 8*). Other remote commands and the manual forwarding of calendar or task summaries are not affected.

- **Shutdown Symmetry**—shut the Symmetry program down.

  No forwarding—automatic or manual—is possible and no remote commands are accepted.

Running Symmetry

The Symmetry program can be started in various ways:

- Through the Start button, as with other programs.
- By clicking the Symmetry icon in the Outlook toolbar or double-clicking the Symmetry icon on your Windows desktop.

While Symmetry is running, its icon appears in your system tray. It works in the background, forwarding information to your wireless device according to the settings in the various tabs in its Properties window.

Note Information forwarded by Symmetry usually takes about 60 seconds to arrive at your wireless device. This delay is the time taken by your wireless provider to process e-mail messages.

After you install Symmetry, it is set up to run automatically each time you start your PC.

Note If you use a laptop computer, you may not want Symmetry to run automatically each time you start your PC. Symmetry requires a continuous LAN connection to your Exchange server, which will not be available when running your laptop disconnected from the network; this can delay the startup of your laptop and cause Symmetry to report errors.

To prevent Symmetry from running automatically:

1. Open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*).
2. Select the General tab.
3. De-select the check box next to **Auto-start at logon**.

Shutting Symmetry down

To exit Symmetry, right-click the Symmetry icon in the system tray and choose **Shutdown Symmetry** from the ensuing menu. When Symmetry is shut down, it will not forward messages and you will not be able to access it remotely.

Turning Symmetry On and Off (Enabling and Disabling Forwarding)

Running and shutting down the Symmetry program is not the same as turning Symmetry on and off (enabling and disabling forwarding). While Symmetry is running, you may want to temporarily disable automatic forwarding—for example, while you are sitting at your desk and do not want to use airtime to forward information. There are various ways to do this:

- At your PC, navigate to the **Symmetry Properties** window➤**General** tab➤**Automatic Messaging**, and select the appropriate option. See *page 12*.
- At your PC, right-click the Symmetry icon in the system tray and use the menu choices to turn automatic forwarding on or off.
- While away from your PC (and if you can send e-mail from your device), send an e-mail message to your desktop PC with the command **on** or **off** in the subject line. See *page 8*. This works if Symmetry is running. If Symmetry is shut down, you cannot access Outlook remotely.

When you turn automatic messaging off, you are suppressing only the automated functions:

- Message forwarding
- Timed calendar summaries
- Timed task summaries
- Calendar change notifications
- Appointment reminders

Symmetry continues to respond to remote commands and to forward manually-requested calendar and task summaries.

Note Symmetry in Screen Saver Standby mode (Symmetry's forwarding capabilities are currently disabled, but will be enabled automatically when your screen saver starts) is equivalent to "Off" mode for the purposes of automatic forwarding.

---

5 CUSTOMIZING SYMMETRY'S SETTINGS

To set up or customize Symmetry's settings, open the Symmetry Properties window. There are four ways to do this. With Symmetry running (you should see the Symmetry icon in your Windows System Tray):

- Click the Symmetry icon in the Windows System Tray, or
- Click the Symmetry icon in the Outlook Task Bar, or
- Right-click the Symmetry icon in the Windows System Tray and select Open Symmetry, or
- Double-click the Symmetry icon on your Windows Desktop

The dialog box has six tabs, where you can enable and/or configure the following features:

General tab

- Turn Symmetry on, off, or on after the screen saver launches.
- Configure Windows not to run Symmetry whenever you log on. See *page 14*.
- Specify the mail profile you want Symmetry to use (which address books and which e-mail box to monitor).
- See *page 12* for more information.

E-mail tab

- Enable e-mail forwarding.
- Set up, change, delete, or disable forwarding rules for e-mail.
- See *page 14* for more information.

Calendar tab

- Enable Symmetry to automatically forward a summary of your Outlook calendar at a specific time each day.
- Configure Symmetry to automatically forward calendar changes (changes only or an entire new calendar).
- Set up Symmetry to automatically send you appointment reminders.
- Manually forward a calendar summary to your device while you are sitting at your PC.
- See *page 18* for more information.

Tasks tab

- Enable Symmetry to automatically send you a summary of your Outlook task list (due and/or overdue tasks) at a specific time each day.
- Manually forward a tasks summary to your device while you are sitting at your PC.
- See *page 20* for more information.

Device tab

- Change the information about your wireless device that you entered when you installed Symmetry (device type, address, and text formatting options).
- See *page 21* for more information.

Log tab

- Review the log that Symmetry keeps of all the e-mail, calendars, appointment reminders, task lists, and address book searches it has forwarded.
- See *page 23* for more information.

6 ACCESSING SYMMETRY REMOTELY

If you have a wireless device with two-way e-mail capabilities (that is, you can both send and receive e-mail), you can also access some of these features remotely. Do this by sending an e-mail to your desktop e-mail address with a Symmetry command in the subject line of the message. If your device does not allow you to edit the e-mail subject line, you can send the remote Symmetry commands as the first line in the body of the e-mail.

These commands work only if Symmetry is running. If Symmetry is shut down, you cannot access Outlook remotely.

If the e-mail's subject line reads	Symmetry will do the following
`on`	Turn on automatic forwarding of e-mail, calendars, appointment reminders, and task lists.
`off`	Turn off automatic forwarding.
`c`	Immediately forward a summary of your calendar for today.
`t`	Send a summary of your task list. This list will include the due and overdue tasks or only the overdue tasks, depending on the settings in the Task tab (see *page 20*).
`f` ***name***	Find name in your Outlook address book(s) and forwards you the information associated with that name. Symmetry searches your Personal Address Book, Contacts, and Global Address Book for matches to the name you send with the `f` command.

Using the f *name* command

When using the `f` ***name*** command, Symmetry searches your Outlook Global Address List, Personal Address Book and Contacts folder. If ***name*** matches a contact name or is part of a contact e-mail address, Symmetry sends back the contact name, company name, business number, and e-mail address as entered in Outlook. Symmetry does not send personal contact information, such as home phone numbers.

If the contact information is in more than one place (for example, in both the Personal Address Book and Contacts), Symmetry uses both the contact name and contact e-mail address to determine if a contact record is unique. If the contact name and e-mail address are the same in both records, Symmetry sends back one listing to your device with contact information. If either the name or the e-mail address differs in the two records, Symmetry sends two listings to your device.

If Symmetry finds more than eight matches, it sends a message back to your wireless device asking you to refine your search. You do this by specifying a more unique version of what you are looking for. For example, if the command `f bert` finds too many matches, try `f bertrand`.

For more information on how Symmetry searches your address lists see *Configuring Outlook on page 10.*

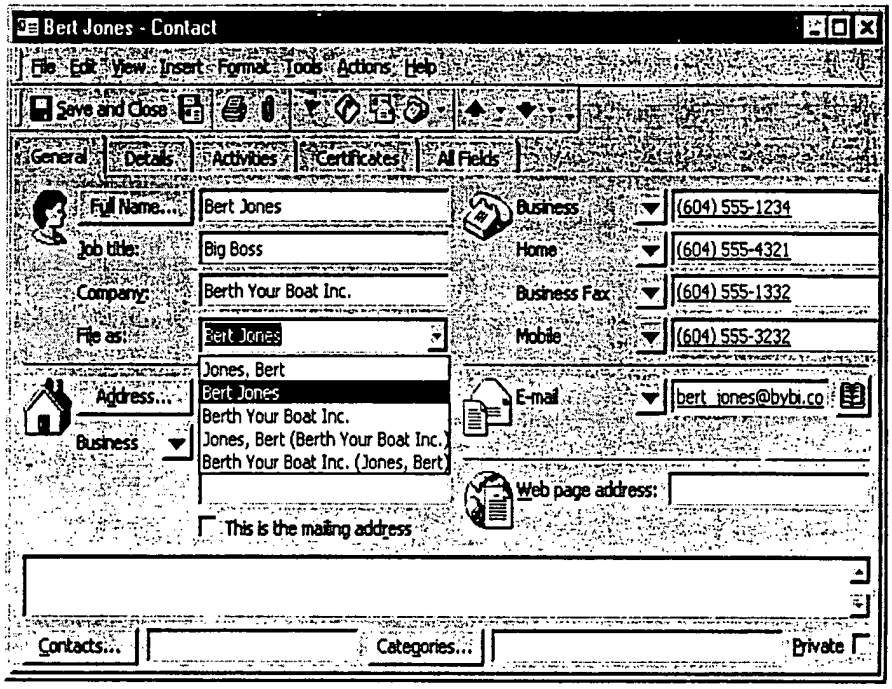
7 CONFIGURING OUTLOOK

Contact folder searches

A portion of the first or last name of the Contact returns the Contact information. For example if your contact is filed as Bert Jones `f Jon` returns the contact information along with all other contacts which have the letters "Jon" in their first or last names.

Note In the Contact folder full name searches must be entered as the name appears on the Contact card (e.g. `f Bert Jones`). For example, if the name is filed as "Jones, Bert" then the search name must be "Jones, Bert" (including the comma and the space) for a match. The command `f Bert Jones` will not produce a match for "Jones, Bert."

Figure 7-1 Outlook Contact File



To determine what your default setting is for each contact:

1. From Outlook Shortcuts select Contacts.
2. Double click on a Contact to open it.
   The Contact card appears.

3. Next to `File as:` click on the drop-down menu arrow.
   A list of options appears. Select which way you want this Contact card filed.
4. Click Save and Close to save your changes.

For more information on Contacts, see your Microsoft Outlook Help files or documentation.

Global Address List and Personal Address Book searches

If the contact you are searching for is stored in your Global Address List (GAL) or Personal Address Book (PAB) you do not need to enter complete information to find it. Symmetry searches your GAL and PAB, and displays all entries in which the beginning of the first name, last name, company name or e-mail address match the characters you entered.

For example, if you entered `f Bert`, Symmetry would display "Bert Jones", "Joe Bertrand", "bert_jones@bybi.com" and "Berth Your Boat, Inc.". Symmetry would not display "Robert Smith" or "Smith & Bertrand".

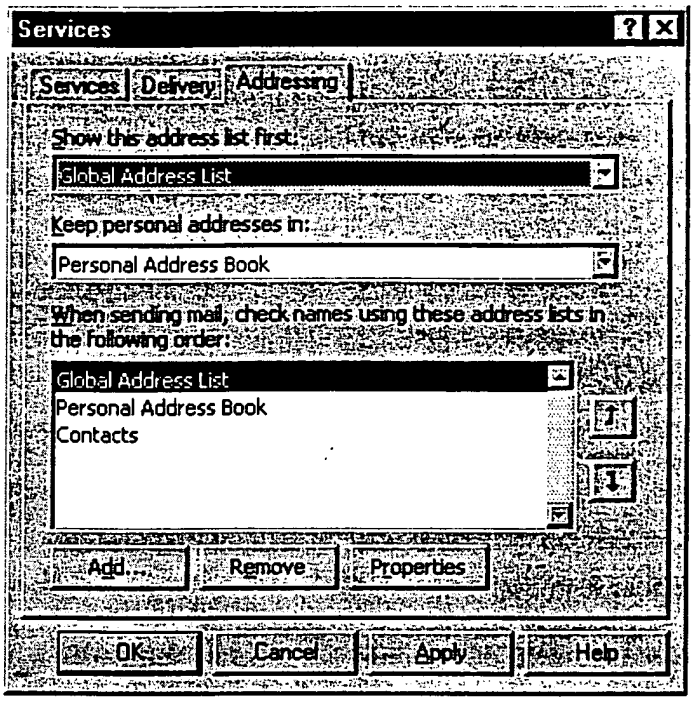
Outlook 2000 users

Personal Addresses must not be kept in **Contacts**. If Personal Addresses are kept in **Contacts**, Symmetry can not access them via the `f` *name* command. Also, multiple copies of the contact information might be sent to your device. For example, if you have more than one e-mail address or phone number for a Contact, one message for each e-mail address and phone number stored in that record might be sent to your device, resulting in additional airtime charges.

1. In Outlook, choose Tools > Services and select the Addressing Tab.

2. From the **Keep personal addresses in** drop-down menu select **Personal Address Book**.

Figure 7-2 Outlook Services Window, Addressing Tab



3. Click OK.
   The window closes.

8 GENERAL TAB

When you are working at your desktop PC, you do not need Symmetry's automatic forwarding services. Save airtime by using the settings in the General tab to temporarily disable automatic forwarding.

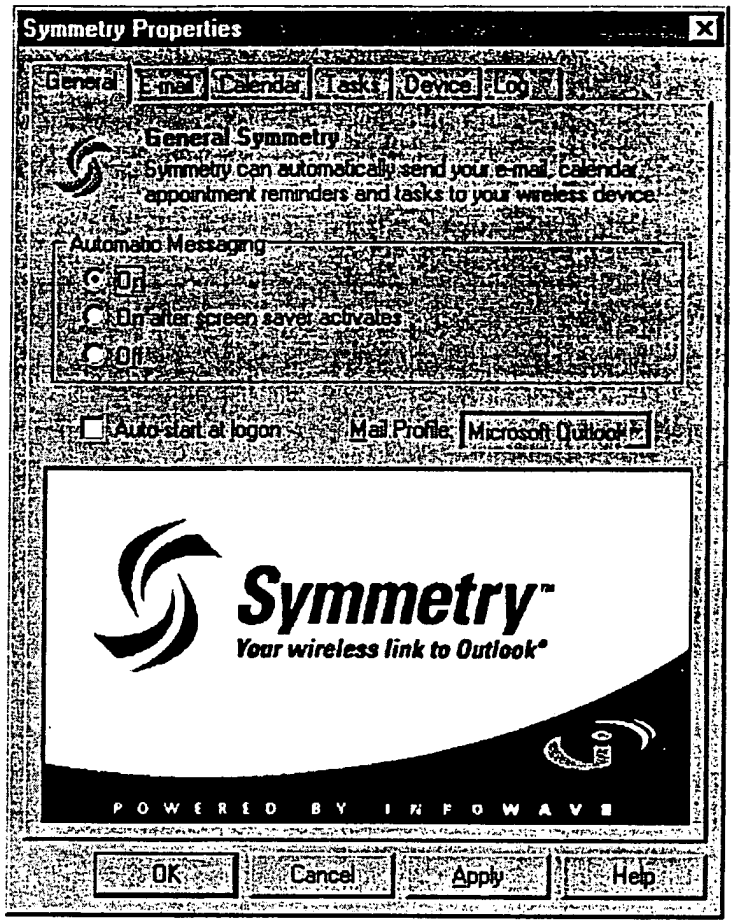
If you're in the office, but periodically away from your desk, the "On after screen saver activates" feature detects when you are not at your computer and switches automatic messaging on when your screen saver launches, keeping you in touch with important Outlook information.

When you leave your desk, enable automatic forwarding through this tab. The General tab also offers an option to automatically run Symmetry when you log on, rather than starting the program manually.

Use this tab to specify which mail profile you want Symmetry to use. The mail profile determines which address books Symmetry accesses and which e-mail box it monitors.

To get to the General tab, open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*) and select General (*Figure 8-1*).

Figure 8-1 The General Tab



Enabling and disabling automatic forwarding

Select one of the following options under Automatic Messaging:

- **On** — Manually enables forwarding.
- **On after screen saver activates** — Symmetry automatically enables forwarding when your screen saver launches itself.
- **Off** — Manually disables forwarding.

(You can also do this through the menu that appears when you right-click the Symmetry icon in the system tray —see *page 4*. If you have a two-way wireless e-mail device, you can do this remotely by sending your desktop computer an e-mail with **on** or **off** in the subject line—see *page 9*.)

Preventing Symmetry from automatically starting at logon

After you install Symmetry, it is set up to run automatically each time you start your PC.

Note If you use a laptop computer, you may not want Symmetry to run automatically each time you start your PC. Symmetry requires a continuous LAN connection to your Exchange server, which will not be available when running your laptop disconnected from the network; this can delay the startup of your laptop and cause Symmetry to report errors.

To prevent Symmetry from running automatically:

1. Open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*).
2. Select the General Tab.
3. De-select the check box next to **Auto-start at logon**.

Setting up your mail profile

1. Disable automatic forwarding.
2. Change the contents of your mail profile from Microsoft Outlook (for more information, see your Microsoft Outlook documentation).
3. Shut Symmetry down and restart it through the **Start** button.

9 E-MAIL TAB

Tell Symmetry which e-mail to forward by creating a set of rules in the Conditions fields. (These rules work much the same way as Microsoft Outlook rules that delete your unwanted e-mail before you see it.) Symmetry saves all the rules you create. If you want to disable a rule (rather than delete it), you can uncheck it. Symmetry uses only those rules that have check marks.

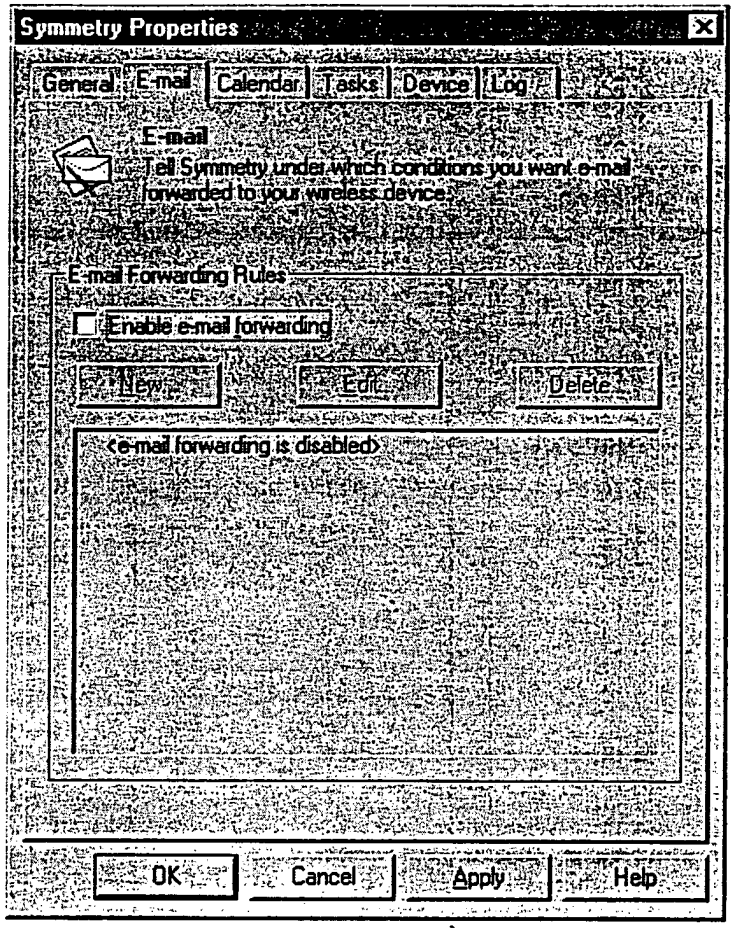
Caution Using both the Outlook Rules Wizard (also known as the "Inbox Assistant" and the "Out of Office Assistant" in various versions of Outlook) can have unpredictable results. You should use one or the other, but not both. Symmetry Rules are easier to use than Outlook Rules and allow you to run the screen saver feature.

If an e-mail meets all the conditions that you specify, Symmetry will forward all or part of it, depending on the options you have selected in your rules (see *page 16*). Symmetry will process the rules in order; if the first rule fails, it will process the second rule, and so on. If all the rules fail, Symmetry will not forward the e-mail.

Note Symmetry does not send e-mail attachments or URLs to the wireless device.

To get to the E-mail tab, open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*) and select E-mail (*Figure 9-1*).

Figure 9-1 E-mail Tab



Enabling automatic e-mail forwarding

1. Select the check box next to **Enable e-mail forwarding**.

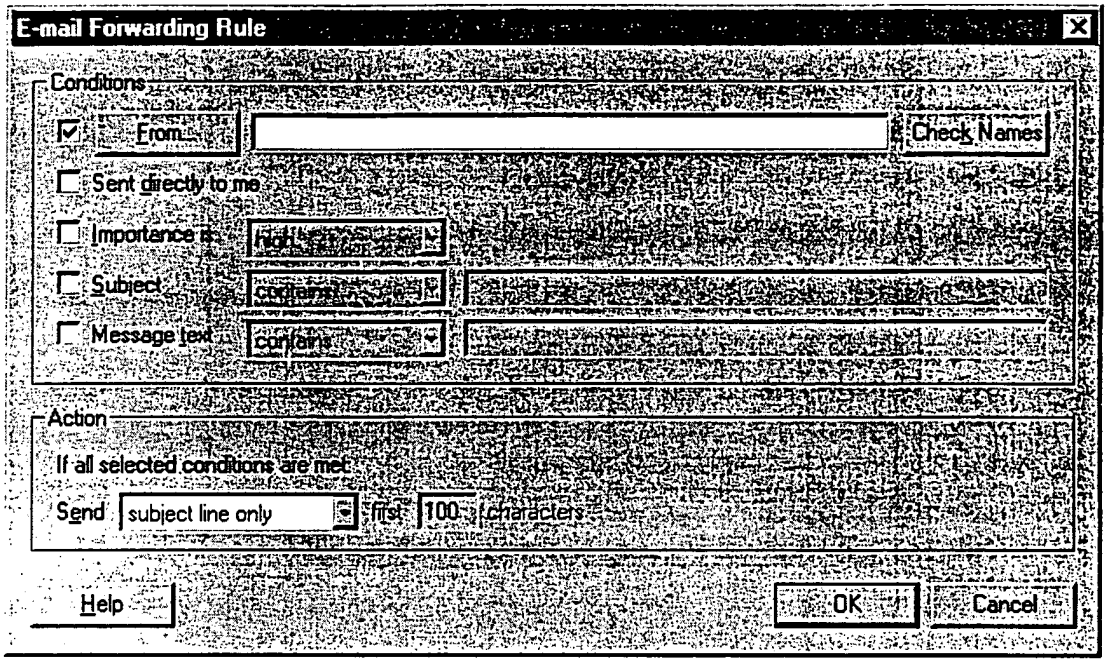
2. Click **New** to enter new rules or **Edit** to modify existing rules in the E-mail Forwarding Rule screen (see *Figure 9-2*).

Note If you do not enter rules or do not have any active rules, Symmetry will not forward your e-mail.

Creating a new rule

1. Click the **New** button. The E-mail Forwarding Rules screen appears.

Figure 9-2 E-mail Forwarding Rule Screen



2. Specify the **Conditions** under which an e-mail will be forwarded by selecting the check box next to any condition that you want to impose. You can select any or all of the following:

From...	You can require that a certain person sent the e-mail or that one on a list of people sent it. Click the **From** button to open your address book and choose one or more people from there. The **Check Names** button helps you find e-mail addresses in your Outlook address books. You can also type names or e-mail addresses directly into the **From** field.
Sent directly to me	You can require that the e-mail was sent directly to you. If you check this box, Symmetry will not forward e-mail that was sent to you as a member of a mailing list.
Importance is	You can require that the e-mail comes with a certain level of importance. Choose the level from the drop list.
Subject	You can require that the subject of the e-mail contains (or does not contain) a certain phrase. Choose as appropriate from the drop list and type your phrase in the text box next to the drop list.
Message text	You can require that the body of the e-mail contains (or does not contain) a certain phrase. Choose as appropriate from the drop list and type your phrase in the text box next to the drop list.

3. Specify the **Action** that Symmetry will take if all the selected conditions are met. Use the drop list to choose whether to receive the entire message or certain parts of it only.

   Your wireless carrier may not support all these actions. If not, those restrictions will override Symmetry's actions.

   Forwarding only part of the e-mail saves you airtime on your wireless e-mail device.

4. Click **OK** to return to the E-mail tab.

Editing an existing rule

1. Select an e-mail forwarding rule from the E-mail tab.
2. Click the **Edit** button. The E-mail Forwarding Rule screen appears.
3. Change the Conditions or Action as needed, using the information in *Creating a new rule* on *page 16*.

Temporarily disabling an existing rule

An existing rule is active if it has a check mark next to it. To temporarily disable the rule, clear the check box next to the rule by clicking it.

Deleting an existing rule

1. Select an e-mail forwarding rule from the E-mail tab.
2. Click the **Delete** button.

10 CALENDAR TAB

Depending on the settings you make in the Calendar tab, Symmetry can automatically forward the following from your Outlook calendar to your wireless device:

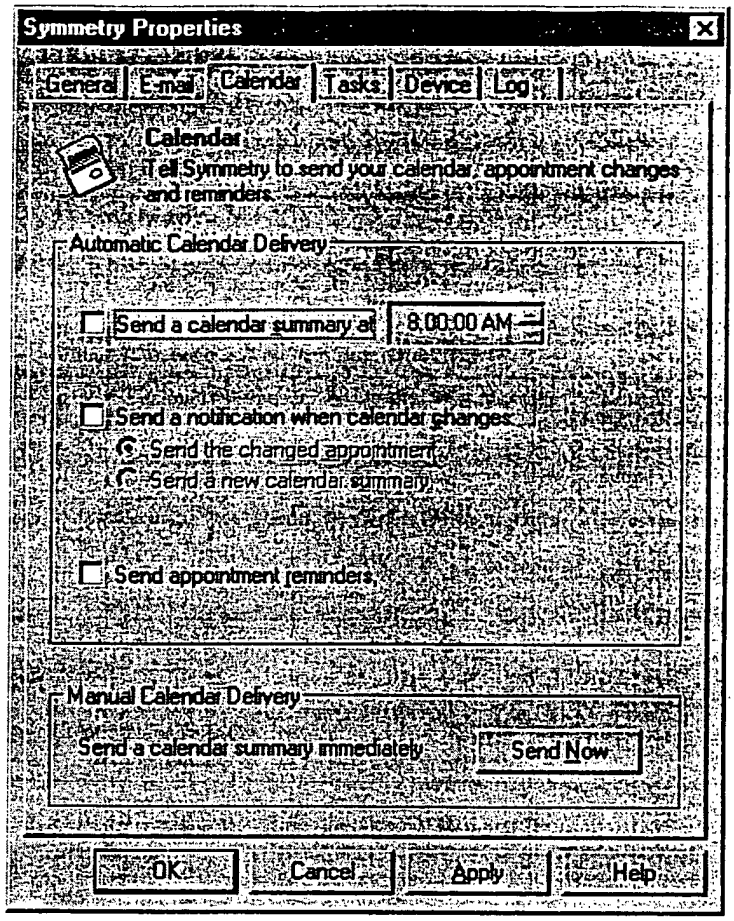
- A summary of the current day's calendar at a specific time each day.
- Immediate notification of any appointment changes (changes only or a new calendar summary).
- Appointment reminders (if Outlook is set up to remind you of appointments).

While you are sitting at your desk you can also use the Calendar tab to forward a copy of your schedule to your device immediately rather than at the scheduled time. (If you request this information remotely, it will also be forwarded immediately. See *page 9*.)

If your calendar is empty, Symmetry will not send a summary, thus saving you airtime on your wireless device.

To get to the Calendar tab, open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*) and select Calendar (*Figure 10-1*).

Figure 10-1 Calendar Tab



Configuring the Calendar tab to send information automatically

Select the calendar delivery options you want. Your options are:

- **Send a calendar summary at** the time you select in the spin box.
- **Send a notification when calendar changes:**
  - **Send the changed appointment**
  - **Send a new calendar summary**
- **Send appointment reminders**

Configuring the Calendar tab to send information manually

Click the **Send Now** button next to send a calendar summary immediately.

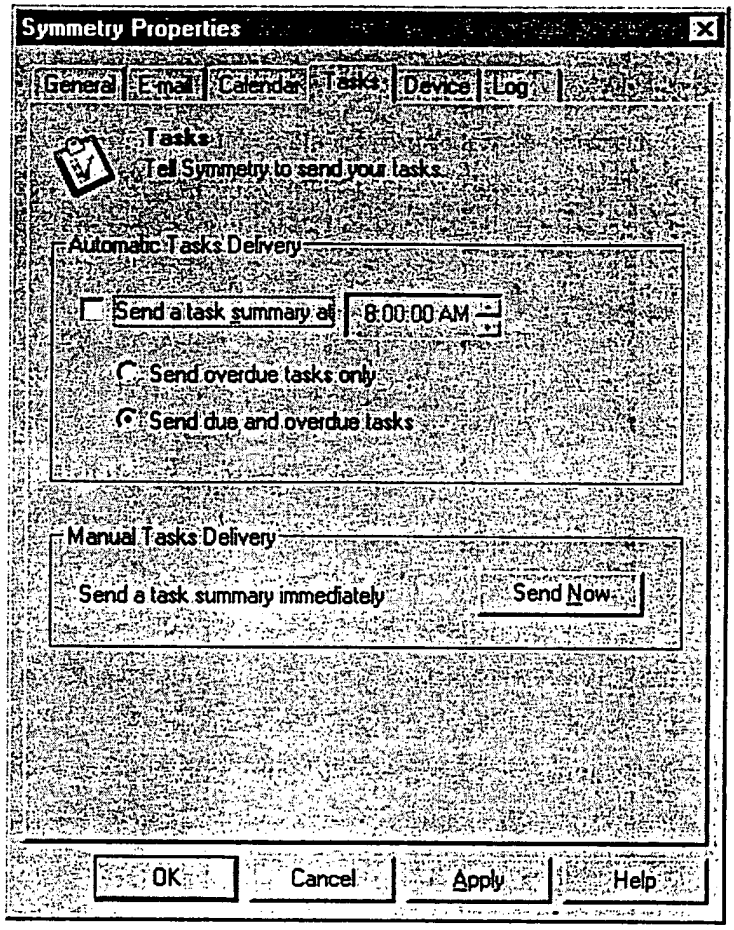
11 TASKS TAB

Microsoft Outlook maintains a task list for you. Symmetry can forward a summary of this list to your wireless device at a specific time each day. If you enable this option, you can select whether this summary includes overdue tasks only or both due and overdue tasks.

While you are sitting at your desk you can also use the Tasks tab to forward a copy of your tasks list to your device. (If you request this information remotely, it will also be forwarded immediately. See *page 8.*) If your tasks list is empty, Symmetry will not send a summary, thus saving you airtime on your wireless device.

To get to the Tasks tab, open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*) and select Tasks (*Figure 11-1*).

Figure 11-1 Tasks Tab



Configuring the Tasks tab to send information automatically

If you want Symmetry to send you a summary of your Outlook Tasks list:

1. Select the check box next to **Send a task summary at**.
2. Use the spin box to select the time you want to receive the summary.
3. Choose between:
   - **Send overdue tasks only** (if you have a long tasks list, you may want to select this option to save airtime).
   - **Send due and overdue tasks**.

Configuring the Tasks tab to send information manually

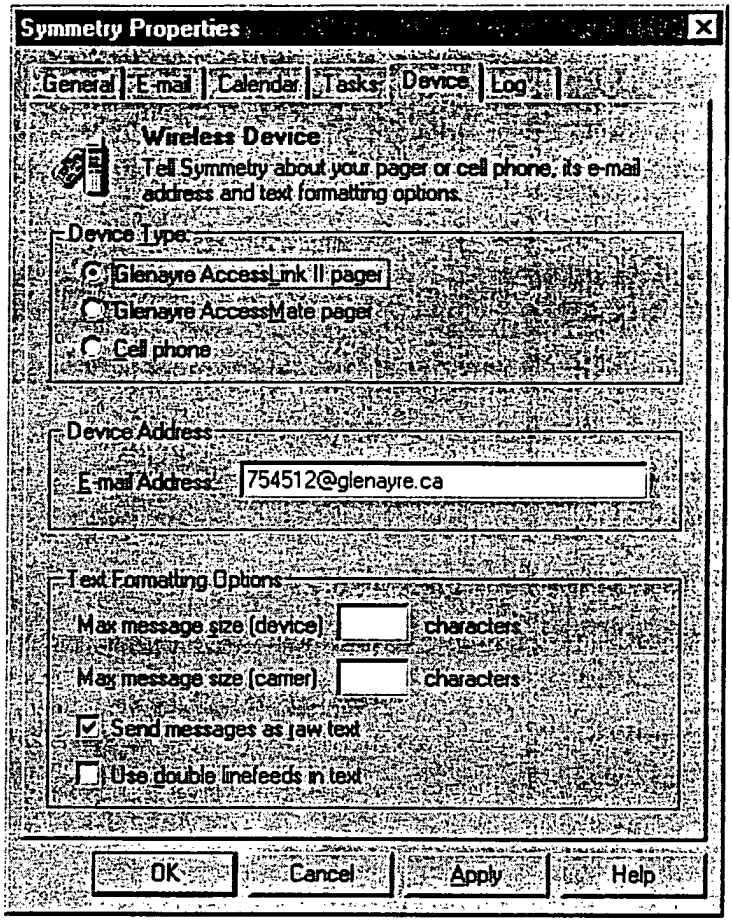
Click the **Send Now** button next to send a task summary immediately.

12 DEVICE TAB

Symmetry needs to know some technical details about your wireless e-mail device and your wireless carrier to correctly format the messages it forwards. To change the information that you entered when you first installed Symmetry, use the Device tab. The appearance of this tab may be different for various devices.

To get to the Device tab, open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*) and select Device (*Figure 12-1*).

Figure 12-1 Device Tab



Configuring the Device tab

Change the following entries as needed. If your wireless carrier has preconfigured any of these options, they may not be visible.

Device Type	To correctly format the messages it sends to your device, Symmetry needs to know if it is a pager or cell phone.
Device Address	This is the e-mail address for your device. Symmetry will respond to remote commands from this address.
Text Formatting Options	The size of the message that Symmetry forwards may be limited by your device or your wireless carrier. If so, enter the maximum number of characters that your device and/or carrier will support, and Symmetry will respect these limits by truncating messages as necessary. If your carrier supports raw text, you may want Symmetry to forward messages as raw text to save airtime. If you receive e-mails with bad line breaks, your wireless carrier may require that Symmetry send two line-feed characters at the end of each line.

13 LOG TAB

Symmetry maintains a log of all the e-mail, calendars, appointment reminders, task lists, and address book searches it forwards to your wireless e-mail device. The log allows you to verify your wireless carrier's bill. You can review these statistics through the Log tab.

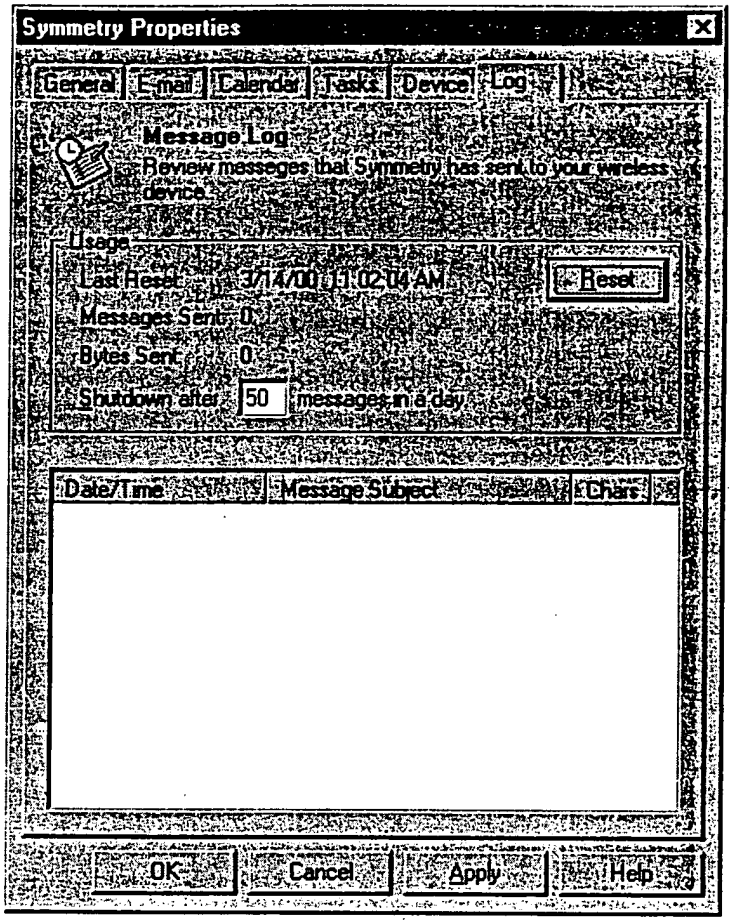
After sending a certain number of messages to your wireless device, as specified in the Shutdown after x messages a day setting (see *Figure 13-1 Log Tab*), Symmetry disables automatic forwarding and will not respond to remote commands. A large number of messages could indicate that you need to modify a forwarding rule; Symmetry disables itself to save you airtime while you analyze the cause for the heavy traffic volume.

You can turn automatic forwarding on again in the General tab or through the menu that appears when you right-click the Symmetry icon in the system tray. It will not restart automatically or remotely.

The Shutdown after x messages a day feature resets at midnight. You can manually reset the feature by shutting down Symmetry and then restarting it.

To get to the Log tab, open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*) and select Log (*Figure 13-1*).

Figure 13-1 Log Tab



14 QUICK REFERENCE

How to do this task	From your Desktop	Remotely
Run Symmetry manually	• Start button • Icon on desktop or on Outlook tool bar	
Run Symmetry automatically when you log on	Icon ➤ Symmetry Properties ➤ General ➤ Auto-start at logon	
Shut down Symmetry	Right-click icon in task bar and select **Shut Down**	
Manually enable forwarding	Icon ➤ Symmetry Properties ➤ General ➤ Automatic Messaging ➤ On	Send an e-mail from your device to your desktop PC e-mail address with **on** as the subject.
Manually disable forwarding	Icon ➤ Symmetry Properties ➤ General ➤ Automatic Messaging ➤ Off	Send an e-mail from your device to your desktop PC e-mail address with **off** as the subject.
Set up mail profile	Icon ➤ Symmetry Properties ➤ General ➤ Mail Profile	
Enable e-mail forwarding	• Icon ➤ Symmetry Properties ➤ E-mail ➤ Enable e-mail forwarding • Set up e-mail forwarding rules (see next entry)	
Create, edit, delete, or disable e-mail forwarding rules	Icon ➤ Symmetry Properties ➤ E-mail ➤ New/Edit/Delete ➤ Conditions (*various*) ➤ Action ➤ Send (*various*)	
Automatically forward calendar summary	Icon ➤ Symmetry Properties ➤ Calendar ➤ Send calendar summary at	
Manually forward calendar summary (immediate delivery)	Icon ➤ Symmetry Properties ➤ Calendar ➤ Send now	Send your desktop PC an e-mail from your device with **c** as the subject.
Automatically forward calendar changes	Icon ➤ Symmetry Properties ➤ Calendar ➤ Send a notification when calendar changes	
Automatically forward appointment reminders	Icon ➤ Symmetry Properties ➤ Calendar ➤ Send appointment reminders	
Automatically forward tasks list	Icon ➤ Symmetry Properties ➤ Tasks ➤ Send a task summary at	
Manually forward tasks list (immediate delivery)	Icon ➤ Symmetry Properties ➤ Tasks ➤ Send now	Send your desktop PC an e-mail from your device with **t** as the subject.
Change information about wireless device	Icon ➤ Symmetry Properties ➤ Device ➤ Device Type/Device Address/Text Formatting Options	
Display usage statistics	Icon ➤ Symmetry Properties ➤ Log	
Forward contact information for ***name*** from Outlook address book		Send your desktop PC an e-mail from your device with **f** ***name*** as the subject.

15 TIPS FOR SAVING AIRTIME

Symmetry conserves airtime by not forwarding empty calendars or task lists at the scheduled time. It also automatically disables itself when a certain number of messages have been sent. If your review of the Log tab indicates that you have unnecessarily heavy traffic, you may want to consider revising some of your forwarding rules. Ways to minimize airtime when using Symmetry include:

- Disable automatic forwarding or use the "On after screen saver activates" feature while you are at your desk (see *General Tab* on *page 12*).
- Forward only part of your e-mail messages (see *step 3* on *page 17*).
- Configure Symmetry to send only overdue tasks if you have a long tasks list (see *Configuring the Tasks tab to send information automatically* on *page 21*).
- Configure Symmetry to send only calendar changes rather than an entire new summary (see *Configuring the Calendar tab to send information automatically* on *page 19*).
- Forward messages as raw text if your wireless carrier supports raw text (see *Text Formatting Options* on *page 23*).
- Make `f` *name* searches for contact information as specific as possible (see *Accessing Symmetry Remotely* on *page 8*).

If you would like more detailed instructions or troubleshooting advice, visit http://www.getsymmetry.com.

INDEX

A

About Symmetry (system tray menu) *4*
Action (E-mail Forwarding Rule screen) *17*
address books, Outlook *9*
airtime, saving *6, 12, 17, 20, 23, 26*
appointment changes and reminders *7, 18–19*
attachments, e-mail *15*
automated functions *7*
automatic forwarding *1, 5–7, 9, 26*
Auto-start at logon *6, 14*

C

c (remote command) *9*
calendar summaries and changes *7, 9, 18–19*
Calendar tab *8, 18–19*
calendars, empty *18*
cell phones *1, 23*
characters, line-feed *23*
Conditions (E-mail Forwarding Rule screen) *17*

D

Device Address (Device tab) *23*
Device tab *8, 21–23*
Device Type (Device tab) *23*
devices, wireless *1, 3, 8*

E

Edit (E-mail tab) *16, 17*
e-mail address, device *23*
e-mail attachments *15*
E-mail Forwarding Rule screen *16–17*
e-mail rules, disabling and deleting *18*
E-mail tab *8, 14–18*
Enable e-mail forwarding (E-mail tab) *15*
exiting Symmetry *6*

F

f name (remote command) *9, 26*
forwarding, automatic *1, 5–7, 9, 26*
forwarding, manual *5–7, 18–19, 20–21*
From... (E-mail Forwarding Rule screen) *17*
functionality *1*

G

General tab *6, 7, 12–14*

H

hardware, system requirements *2*

I

icons *4–7*
Importance is (E-mail Forwarding Rule screen) *17*
Inbox Assistant *14*
installing Symmetry software *3*

L

LAN connection *3, 6, 14*
laptop computer, using with Symmetry *6, 14*
line-feed characters *23*
Log tab *8, 23–24*

M

mail profile *12, 14*
manual forwarding *5–7, 18–19, 20–21*
message size *23*
Message text (E-mail Forwarding Rule screen) *17*

N

New (E-mail tab) *16–17*

O

Off (General tab) *13*
off (remote command) *9*
Off (system tray menu) *5*
On (General tab) *13*
on (remote command) *9*
On (system tray menu) *4*

On after screen saver activates (General tab) *13*
On After Screen Saver Activates (system tray menu) *5*
Open Symmetry (system tray menu) *4*
Out of Office Assistant *14*
Outlook, system requirements *2*

P

pagers *1, 23*
personal digital assistants *1*

Q

quick reference *25*

R

raw text *23, 26*
remote commands *7, 8–??, 23*
Rules Wizard, Outlook *14*
rules, e-mail forwarding *14–18*
rules, forwarding *23*
running Symmetry *5*

S

screen saver feature *2, 5, 7, 14*
Send a calendar summary at (Calendar tab) *19*
Send a new calendar summary (Calendar tab) *19*
Send a notification when calendar changes (Calendar tab) *19*
Send a task summary at (Tasks tab) *21*
Send appointment reminders (Calendar tab) *19*
Send due and overdue tasks (Tasks tab) *21*
Send Now (Calendar tab) *19*
Send Now (Tasks tab) *21*
Send overdue tasks only (Tasks tab) *21*
Send the changed appointment (Calendar tab) *19*
Sent directly to me (E-mail Forwarding Rule screen) *17*
servers, system requirements *3*
Setup wizard *3*
Shutdown after x messages a day (Log tab) *23*
Shutdown Symmetry (system tray menu) *5, 6*
software, system requirements *2*
Start button *5*
starting Symmetry *5*
Subject (E-mail Forwarding Rule screen) *17*
Symmetry Properties window
- Calendar tab *19*
- Device tab *22*
- E-mail tab *15*
- General tab *13*
- Log tab *24*
- opening *4, 7*
- overview *7–8*
- Tasks tab *20*

SymSetup.exe *3*

system requirements *2–3*
system tray icon and menu *4–7, 13*

T

t (remote command) *9*
tabs
Calendar *18–19*
Device *21–23*
E-mail *14–18*
General *12–14*
Log *23–24*
overview *7–8*
Tasks *20–21*
tasks list, empty *20*
tasks summaries *7, 9, 20*
Tasks tab *8, 20–21*
Text Formatting Options (Device tab) *23*
troubleshooting *2, 26*

U

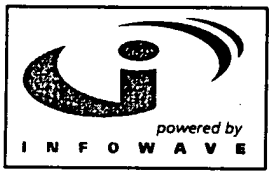
URLs *2, 15, 26*

V

version of Symmetry, finding *4*

W

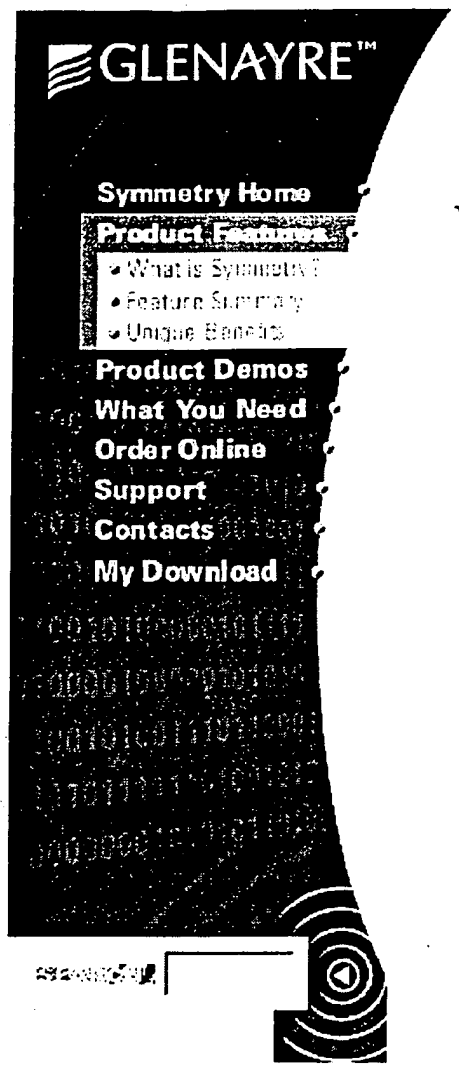
website *2, 26*
Windows, system requirements *2*
wireless devices *1, 3, 8*



Symmetry User Guide
9110.01390
Revision 1.0
March 31, 2000

Infowave
4664 Loughheed Highway, Suite 188
Burnaby, B.C.
Canada V5C 5T5

Tel: (604) 473-3700
Fax: (604) 473-3699
Website: http://www.infowave.com



Symmetry™
Your wireless link to Outlook®

PRODUCT FEATURES

Stay connected, wherever you go

If you're like most of us, you rely on Outlook for your e-mail, your daily calendar, your address book and more.

But when you're away from your desk, you're out of touch. You don't know if a meeting has been rescheduled, or if an important e-mail has arrived.

Symmetry lets you stay in touch.

Symmetry.
Your wireless link to Outlook.

Symmetry is software that runs on your PC. With Symmetry, you're wirelessly connected with your personal Outlook information wherever you go, via your existing wireless messaging device (pager, digital mobile phone, PDA, etc.).

- overview
- e-mail
- calendar
- reminders
- task list
- address book
- special feature
- device comma

GLENAYRE™

Symmetry Home
Product Features
- What is Symmetry?
- Feature Summary
- Unique Benefits

Product Demos
What You Need
Order Online
Support
Contacts
My Download

Symmetry™
Your wireless link to Outlook®

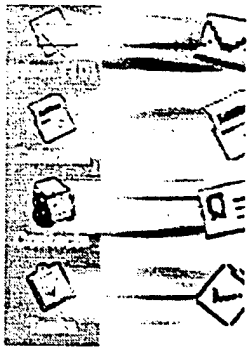
What is Symmetry?

Symmetry is software that runs on your desktop PC. Symmetry enables real-time wireless access to your personal Microsoft Outlook information, using a wireless messaging device that can receive e-mail (pager, digital mobile phone, PDA, etc.).

Symmetry automatically forwards all your critical Outlook information to your wireless device. Messages are forwarded the instant they arrive on your desktop so you'll never miss another important e-mail, meeting reminder, calendar change, or task reminder.

Symmetry is easy to use and installs in minutes. The Symmetry installation wizard guides you through the entire set-up. At any time, you can change your forwarding rules by selecting the Symmetry Properties icon on your desktop.

Symmetry works with the wireless device you already own. The specific features you can use depend on your service provider and your device.



- overview
- e-mail
- calendar
- reminders
- task list
- address book
- special featu
- device comm

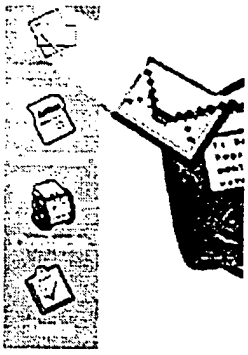
GLENAYRE™

Symmetry Home
Product
- What is Symmetry?
- Feature Summary
- Usage Terms

Product Demos
What You Need
Order Online
Support
Contacts
My Download

Symmetry™
Your wireless link to Outlook®

Wireless E-Mail



When e-mail arrives at your desktop PC, Symmetry will automatically forward a copy of your e-mail to your wireless device, based on your rules. If you reply from your interactive wireless device, Symmetry handles the e-mail as if the reply was sent from your PC. The return e-mail address is that of your desktop PC, and a copy of your e-mail reply is saved in your desktop Outlook "sent items" folder.

Symmetry e-mail forwarding rules:

- Forward e-mail sent from certain people or from a list of people
- Forward e-mail that was sent directly to you
- Forward e-mail with a certain importance level
- Forward e-mail that includes or does not include certain words, in the subject or body of the e-mail
- Select how many characters of the e-mail to forward to your device

To ensure cost-effective use of your device airtime, Symmetry does not forward attachments or URLs.

overview
e-mail
calendar
reminders
task list
address book
special featu
device comm

GLENAYRE™

Symmetry Home

Product Features

- What is Symmetry?
- Feature Summary
- Usage scenarios

Product Demos

What You Need

Order Online

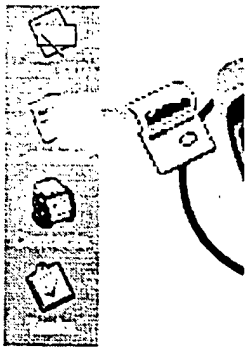
Support

Contacts

My Download

Symmetry™
Your wireless link to Outlook™

Wireless Calendar



Symmetry automatically forwards a summary of your daily Outlook calendar to your wireless device, at a specified time each day. You may also request calendar updates to be forwarded to your device as they occur. If you have an interactive wireless device, you can send a request from your wireless device to have Symmetry immediately forward your daily calendar to your device.

Symmetry calendar forwarding rules:

- Forward your daily calendar at a specific time each day
- If today's calendar changes, forward either the changes or the entire new calendar
- Meeting reminders can be forwarded to your wireless device

- overview
- e mail
- calendar
- reminders
- task list
- address book
- special featu
- device comm

GLENAYRE™

Symmetry Home

Product

- What is Symmetry?
- Feature Summary
- Unique Benefits

Product Demos

What You Need

Order Online

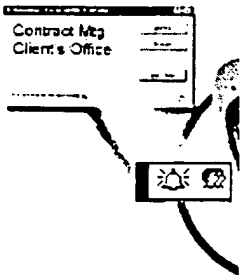
Support

Contacts

My Download

Symmetry™
Your wireless link to Outlook®

Wireless Reminders



If you use Outlook meeting reminders, Symmetry will automatically send the pop-up meeting reminder to your wireless device, so that you don't need to worry about missing another meeting again. Symmetry forwards the meeting subject, location and start/end time to your wireless device.

Meeting reminders forwarding rules:

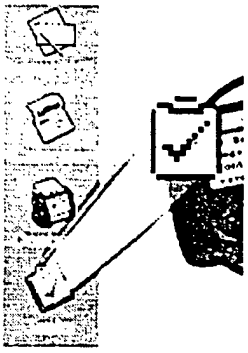
- Forward meeting reminders on/off

- overview
- e-mail
- calendar
- reminders
- task list
- address book
- special featu
- device comm

GLENAYRE™
Symmetry Home
Product
Product Demos
What You Need
Order Online
Support
Contacts
My Download

Symmetry™
Your wireless link to Outlook™

Wireless Task List



Symmetry can automatically forward a summary of your task list to your wireless device, at a specified time each day. You can choose to have Symmetry send tasks that are due and/or overdue. From an interactive device, you can request an up-to-the-moment copy of your task list by sending a simple command from your wireless device.

Symmetry Task list forwarding rules:

- Forward your task list at a specific time each day
- Send overdue tasks only or send both due and overdue tasks

overview
e-mail
calendar
reminders
task list
address book
special featu
device comm

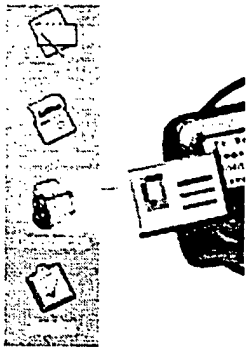
GLENAYRE™

Symmetry Home
Product
- What is Symmetry?
- Feature Summary
- Unique benefits

Product Demos
What You Need
Order Online
Support
Contacts
My Download

Symmetry™
Your wireless link to Outlook™

Wireless Address Book



Contact information from your Outlook personal and company address books as well as contact folder, can be retrieved in real-time using your two-way interactive wireless device. Just send an e-mail from your interactive wireless device with the command "f" and the name of the person (f name), and Symmetry will search your Outlook address books and send the person's name, company, phone and e-mail information to your wireless device.

Device Command for Address Book:

- From your wireless device, send an e-mail to your desktop e-mail address.
- In the e-mail, include "F name" in the e-mail message. For name, you may include the person's full name, first name, last name, or partial name.

Device Command for Contact Folder:

- From your wireless device, send an e-mail to your desktop e-mail address.
- In the e-mail include "F name" in the e-mail message. For name, you may use the person's first name or last. If you use the person's full name, the name must appear exactly as it is listed in the Contact File. For example, if the name is filed as "Smith, John" then the search name must be exactly entered as "f smith, john" (including the comma and the space between the first and last name).
- For Outlook 2000 users, please refer to the Symmetry manual for more details.

- overview
- e-mail
- calendar
- reminders
- task list
- address book
- special featu
- device comm

GLENAYRE™

Symmetry Home

Product Features

- What is Symmetry?
- Feature Summary
- Unique Benefits

Product Demos

What You Need

Order Online

Support

Contacts

My Download

Symmetry™
Your wireless link to Outlook®

Special features

- overview
- e-mail
- calendar
- reminders
- task list
- address book
- special featu
- device comm

Screen Saver Activation
Many times, you're called away from your desk unexpectedly. To ensure you never miss a message, activate the Symmetry screen saver option and Symmetry will automatically turn on when your screen saver is activated. When you return to your desk, you can turn Symmetry off to save air time on your wireless device.

Remote Control
Use your two-way interactive wireless device to turn Symmetry forwarding on or off. Request real-time calendar, task or contact information from your wireless device. See device commands.

Message Log
Symmetry maintains a log of all the e-mail, calendar, meeting reminders, tasks, and address book searches it has sent to your wireless device. The log allows you to verify your service invoice from your wireless device carrier.If your monthly wireless service invoice is based on a per message or character usage, we recommend that you monitor the Symmetry log on a daily basis when first using Symmetry (by accessing the Symmetry Properties Log tab). This will give you an indication of whether you need to refine your Symmetry forwarding rules to reduce the number of messages Symmetry is forwarding to your device. Click here for tips to save airtime.

GLENAYRE™

Symmetry Home
Product Features
- What is Symmetry?
- Feature Summary
- Unique Benefits

Product Demos
What You Need
Order Online
Support
Contacts
My Download

Symmetry™
Your wireless link to Outlook™

Device Commands

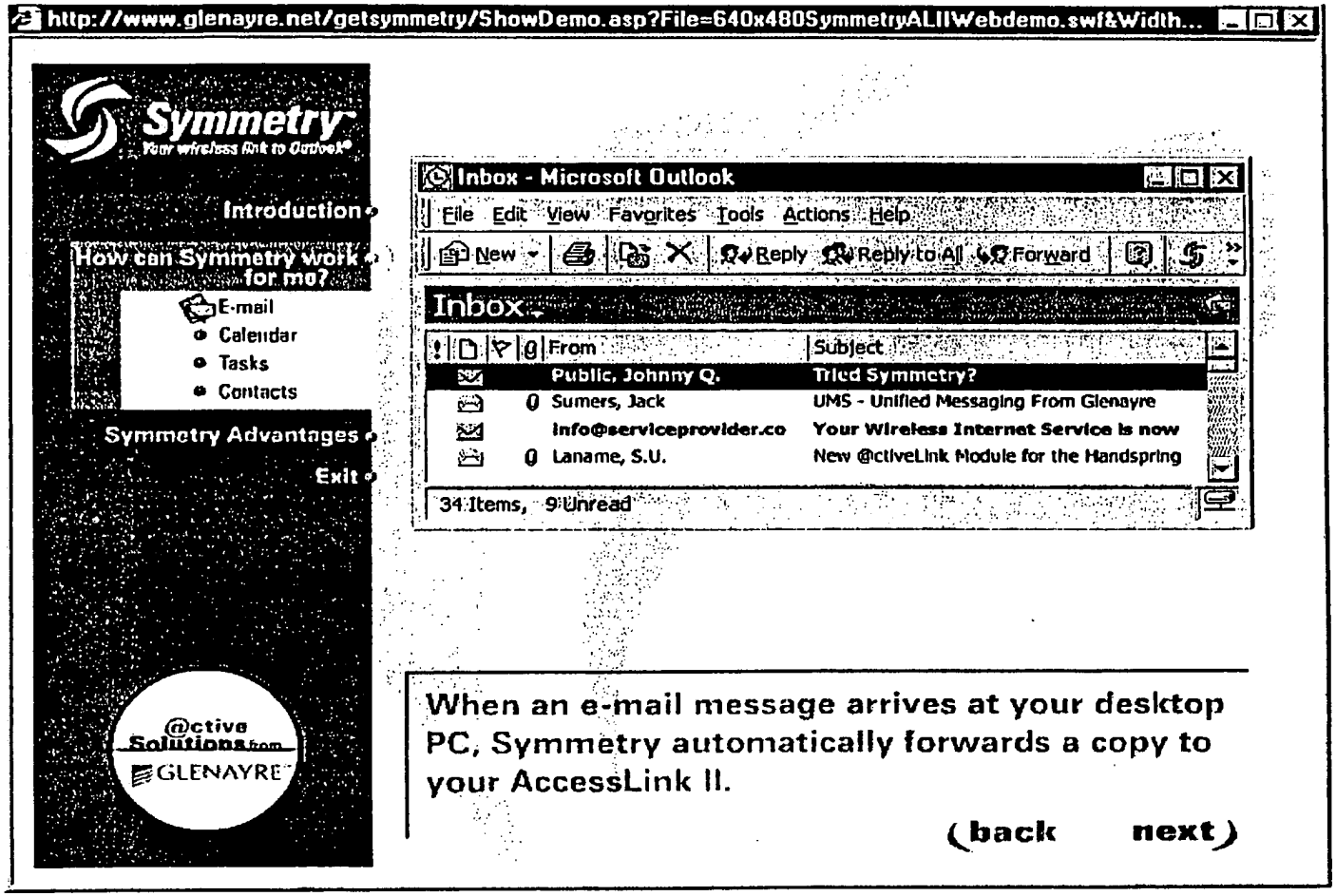
Accessing Symmetry Remotely
If you have a two-way wireless device, you can control Symmetry from your wireless device and have real-time access to your Outlook information when you need it. From your two-way wireless device, send these commands as a message to your desktop e-mail address, and Symmetry will immediately forward the information to your wireless device:

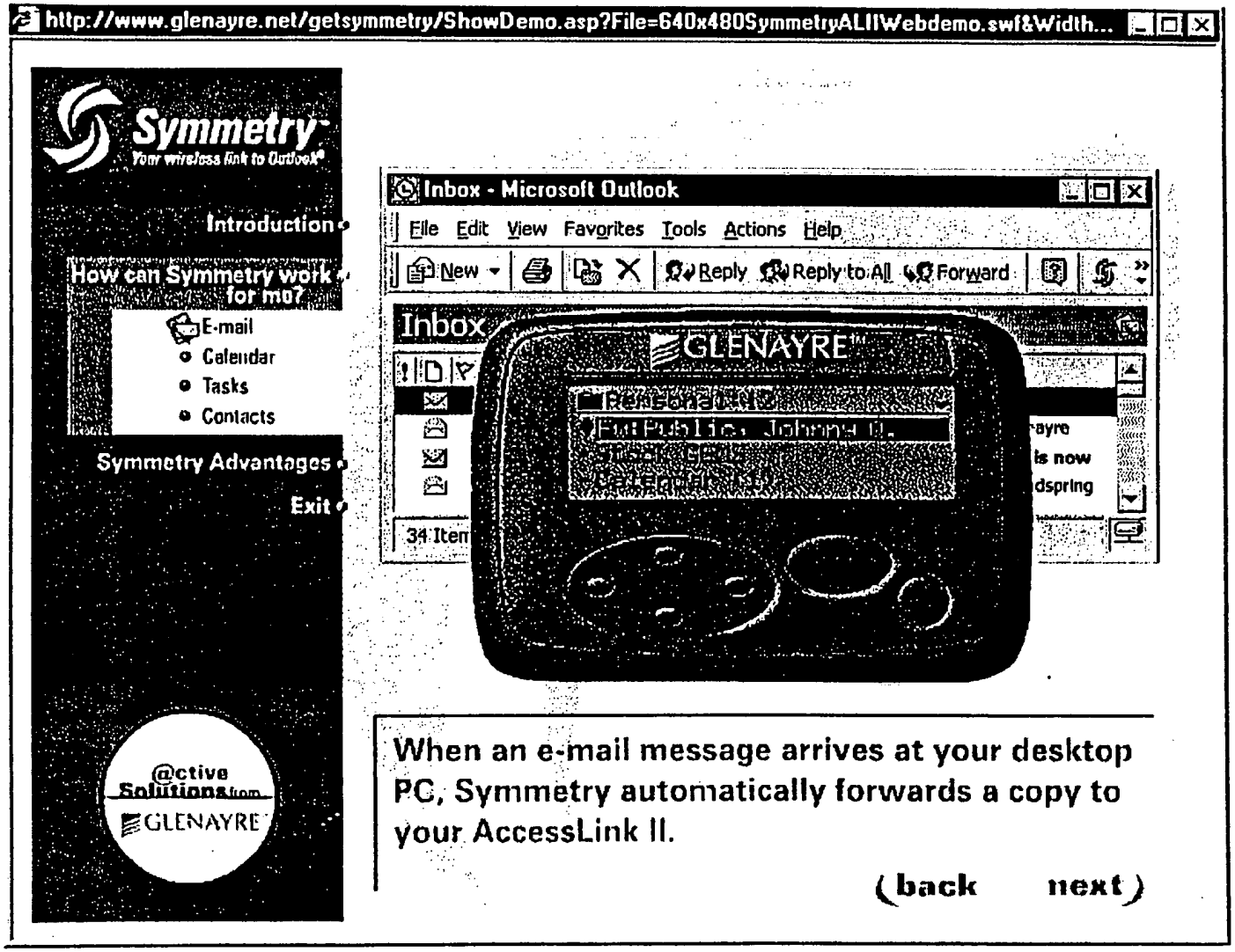
Device Command	What it does
c	Forward today's calendar
t	Forward today's task list
f name	Forward the address book or contact listing for "name"*
off	Switch Symmetry off
on	Switch Symmetry on

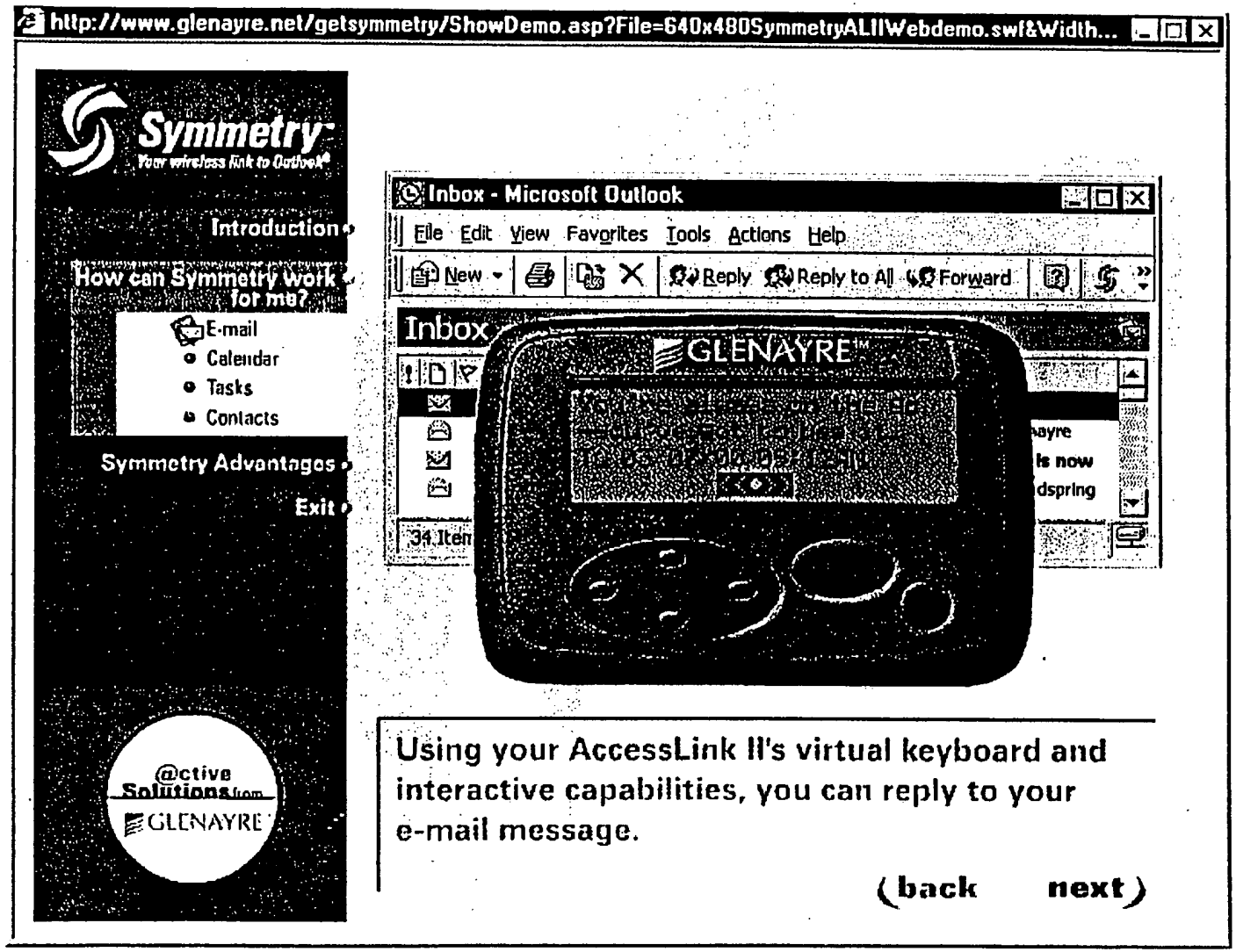
- overview
- e-mail
- calendar
- reminders
- task list
- address bc
- special fea
- device con

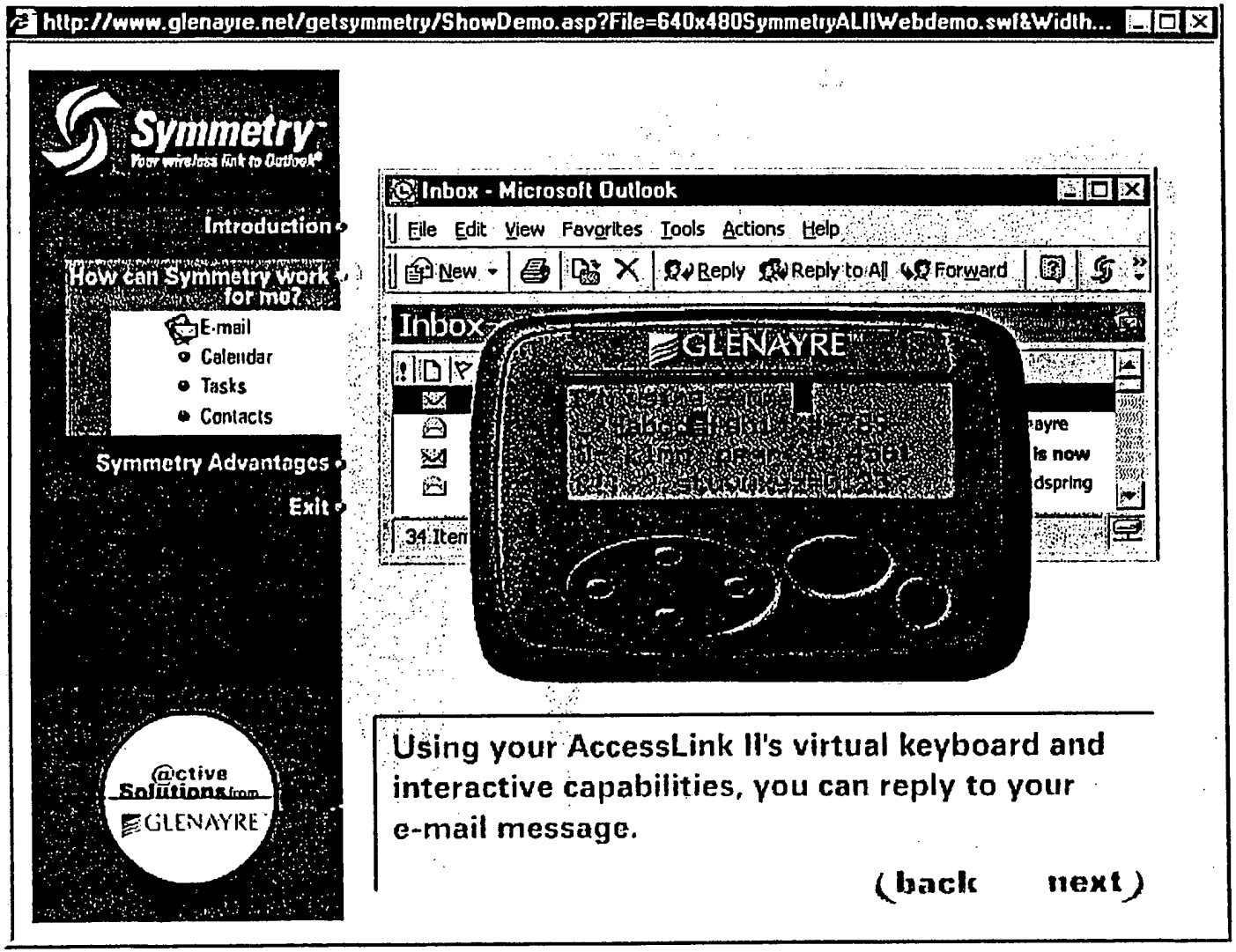
* For address book searches, you may enter the name in any form; first, last, first and last, or partial names

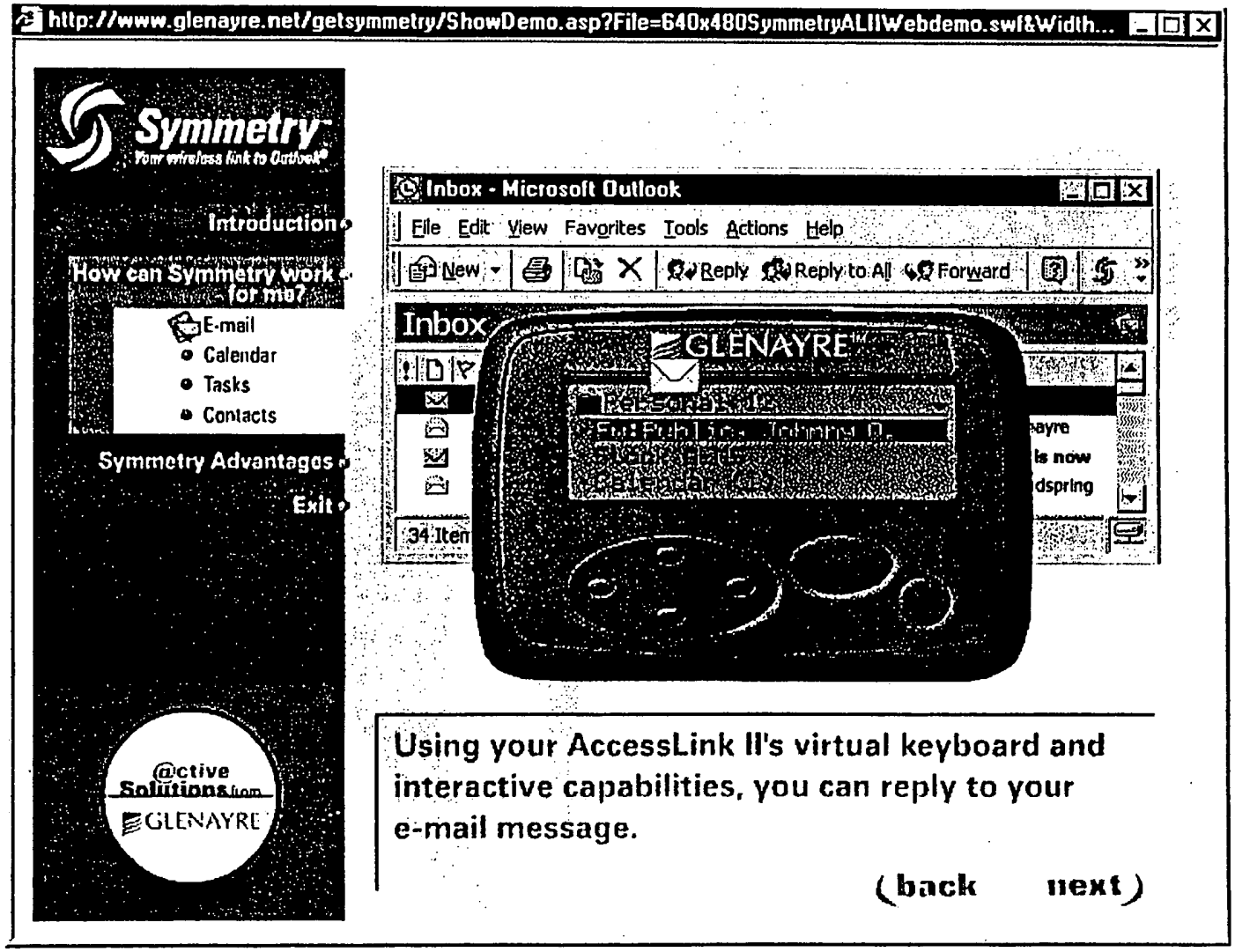
For contact record searches, you may enter the person's first or last name. If entering the person's full name, you must enter the name exactly how it appears in the contact file. For example, if the name is filed as "Smith, John" then the search name must be exactly entered as "f smith, john" (including the comma and the space between the first and last name).

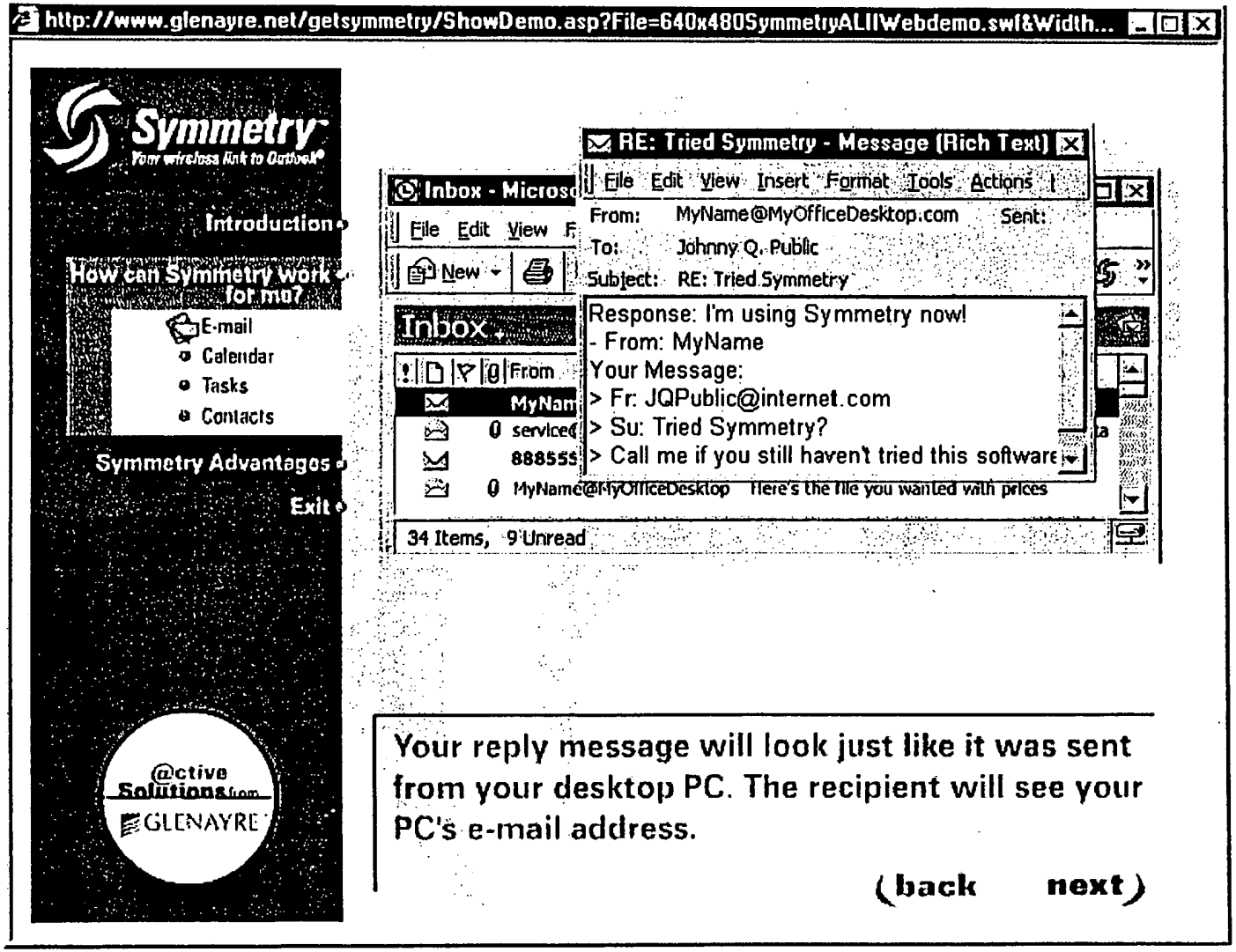

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Inbox - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Reply
Reply to All
Forward
Inbox
From
Subject
Public, Johnny Q.
Tried Symmetry?
Sumers, Jack
UMS - Unified Messaging From Glenayre
info@serviceprovider.co
Your Wireless Internet Service is now
Laname, S.U.
New @ctiveLink Module for the Handspring
34 Items, 9 Unread
When an e-mail message arrives at your desktop PC, Symmetry automatically forwards a copy to your AccessLink II.
(back next)

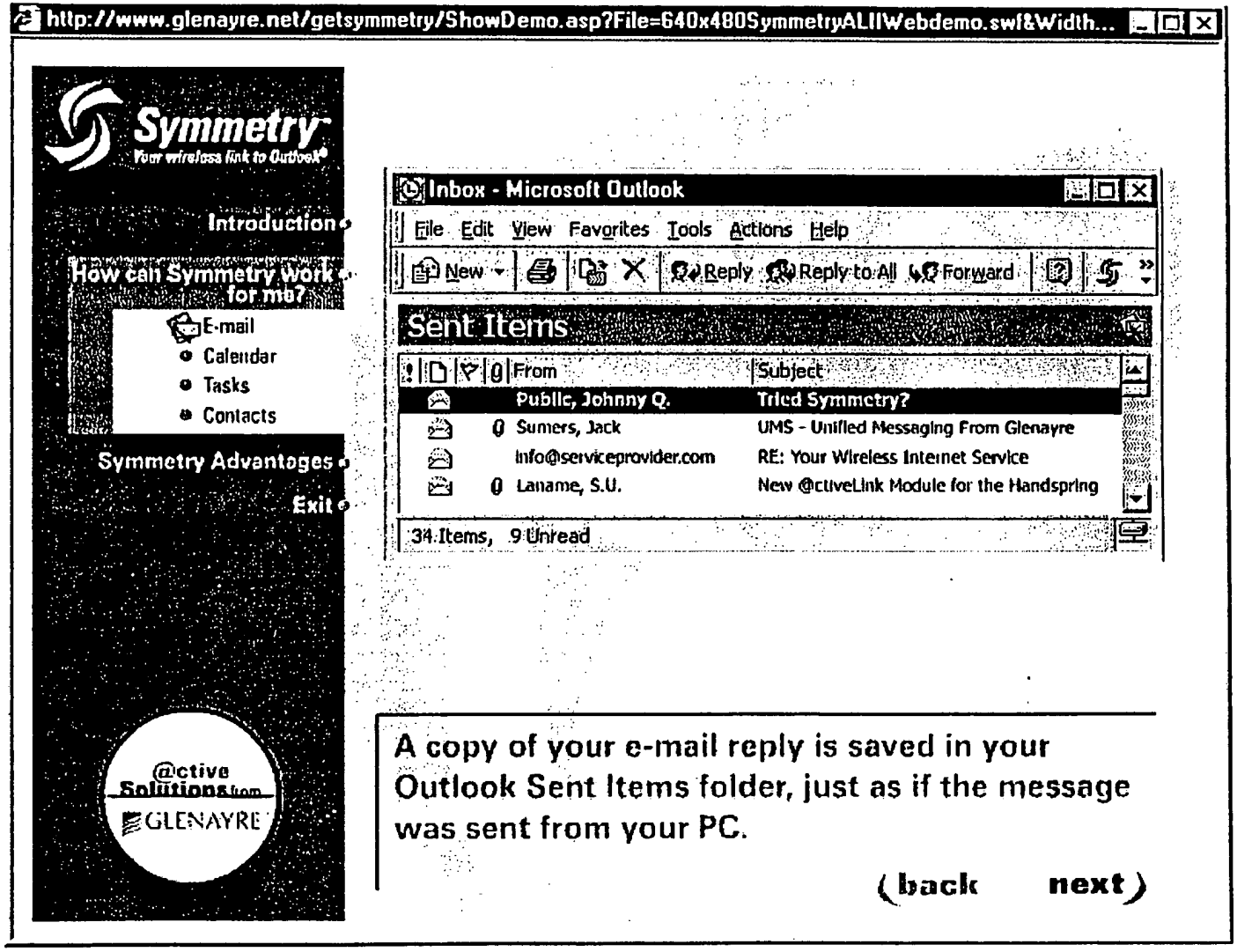

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Inbox - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Reply
Reply to All
Forward
Inbox
GLENAYRE
When an e-mail message arrives at your desktop PC, Symmetry automatically forwards a copy to your AccessLink II.
(back next)

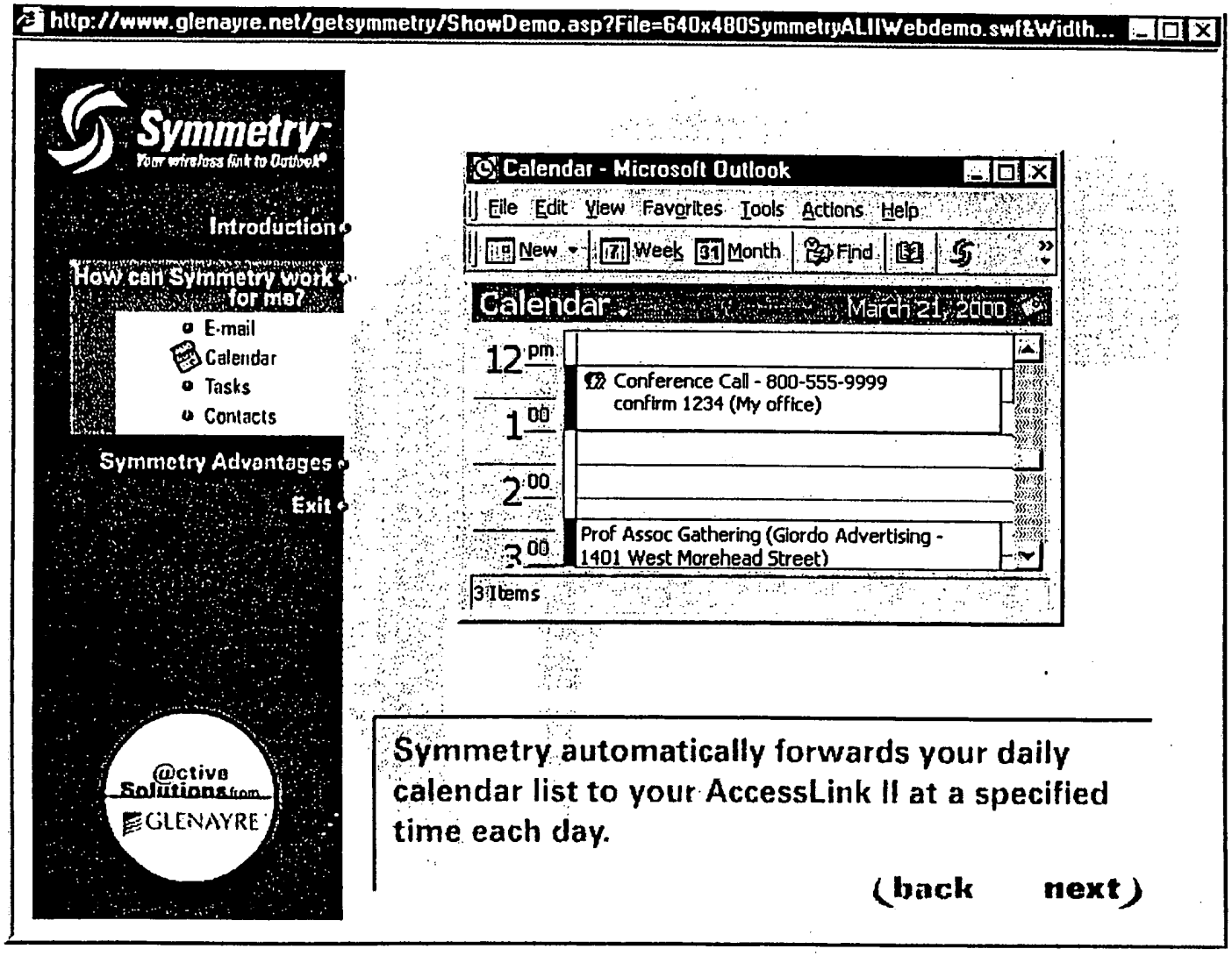

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Inbox - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Reply
Reply to All
Forward
Inbox
GLENAYRE
Using your AccessLink II's virtual keyboard and interactive capabilities, you can reply to your e-mail message.
(back next)

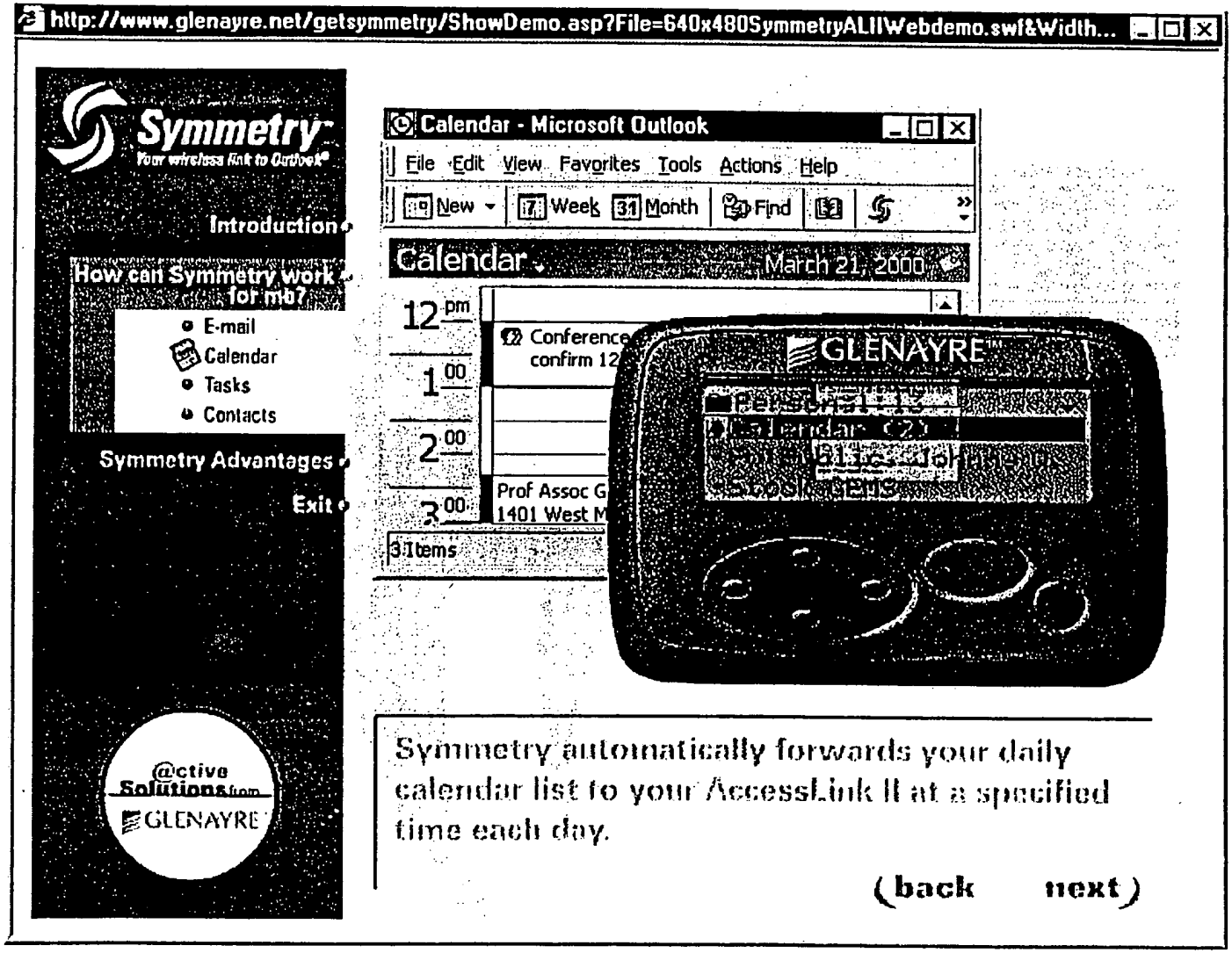

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Inbox - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Reply
Reply to All
Forward
Inbox
GLENAYRE
Using your AccessLink II's virtual keyboard and interactive capabilities, you can reply to your e-mail message.
(back next)

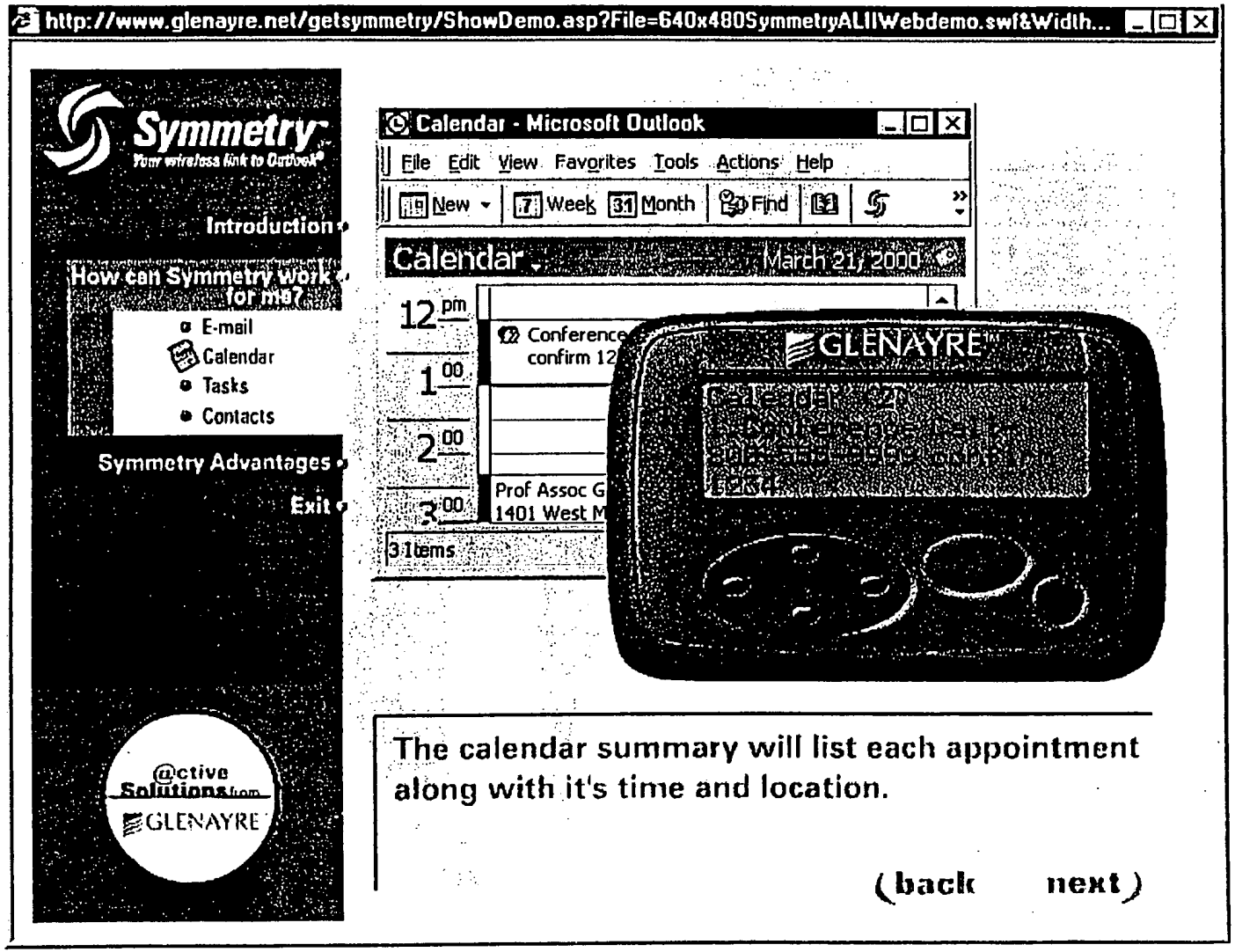

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Inbox - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Reply
Reply to All
Forward
Inbox
GLENAYRE
Using your AccessLink II's virtual keyboard and interactive capabilities, you can reply to your e-mail message.
(back next)


http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALLIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
RE: Tried Symmetry - Message (Rich Text)
File Edit View Insert Format Tools Actions
From: MyName@MyOfficeDesktop.com Sent:
To: Johnny Q. Public
Subject: RE: Tried Symmetry
Response: I'm using Symmetry now!
- From: MyName
Your Message:
> Fr: JQPublic@internet.com
> Su: Tried Symmetry?
> Call me if you still haven't tried this software
Inbox - Microso
File Edit View F
New
Inbox
From
MyNam
service(
888555
MyName@MyOfficeDesktop Here's the file you wanted with prices
34 Items, 9 Unread
Your reply message will look just like it was sent from your desktop PC. The recipient will see your PC's e-mail address.
(back next)

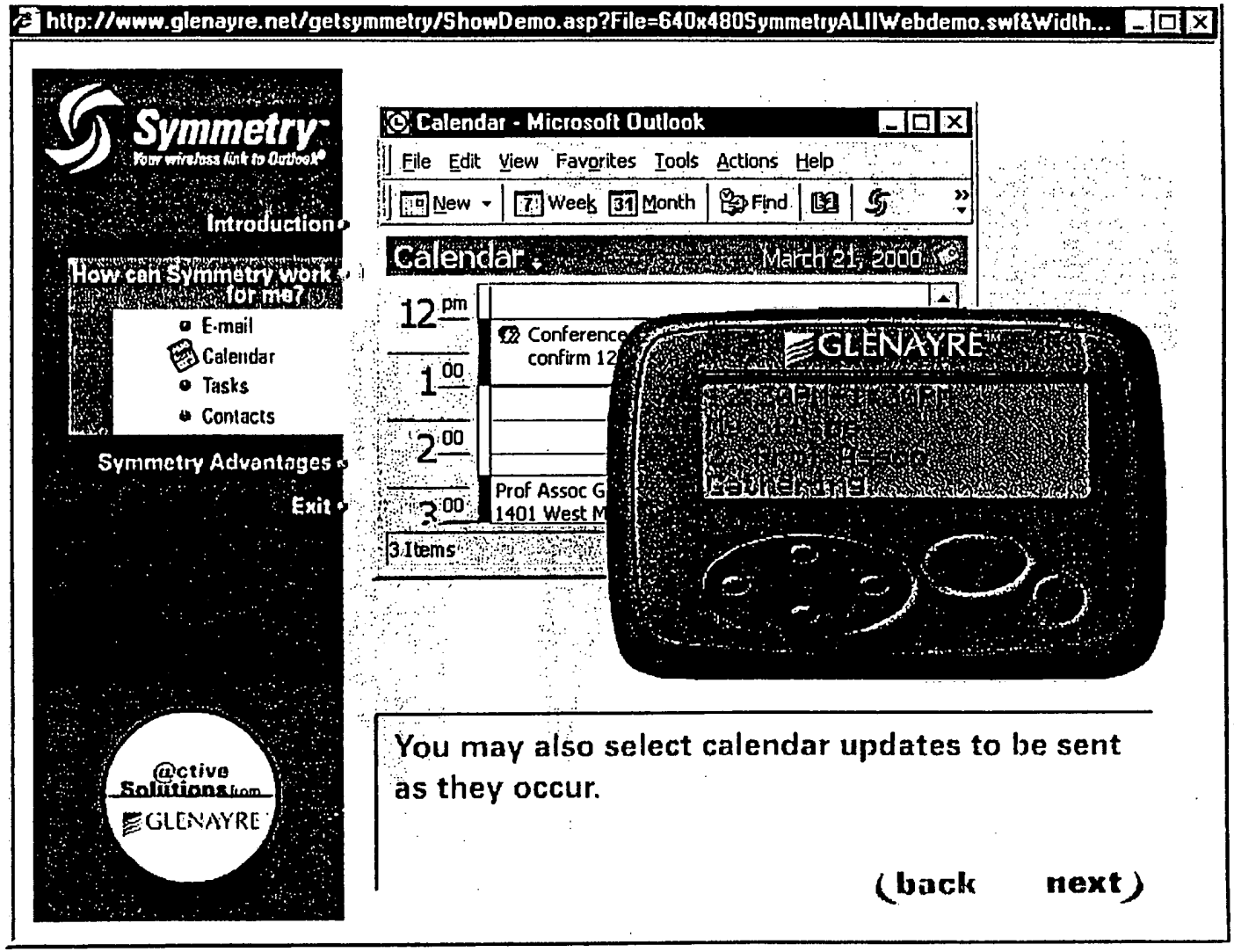

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Inbox - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Reply
Reply to All
Forward
Sent Items
From
Subject
Public, Johnny Q.
Tried Symmetry?
Sumers, Jack
UMS - Unified Messaging From Glenayre
info@serviceprovider.com
RE: Your Wireless Internet Service
Laname, S.U.
New @ctiveLink Module for the Handspring
34 Items, 9 Unread
A copy of your e-mail reply is saved in your Outlook Sent Items folder, just as if the message was sent from your PC.
back
next

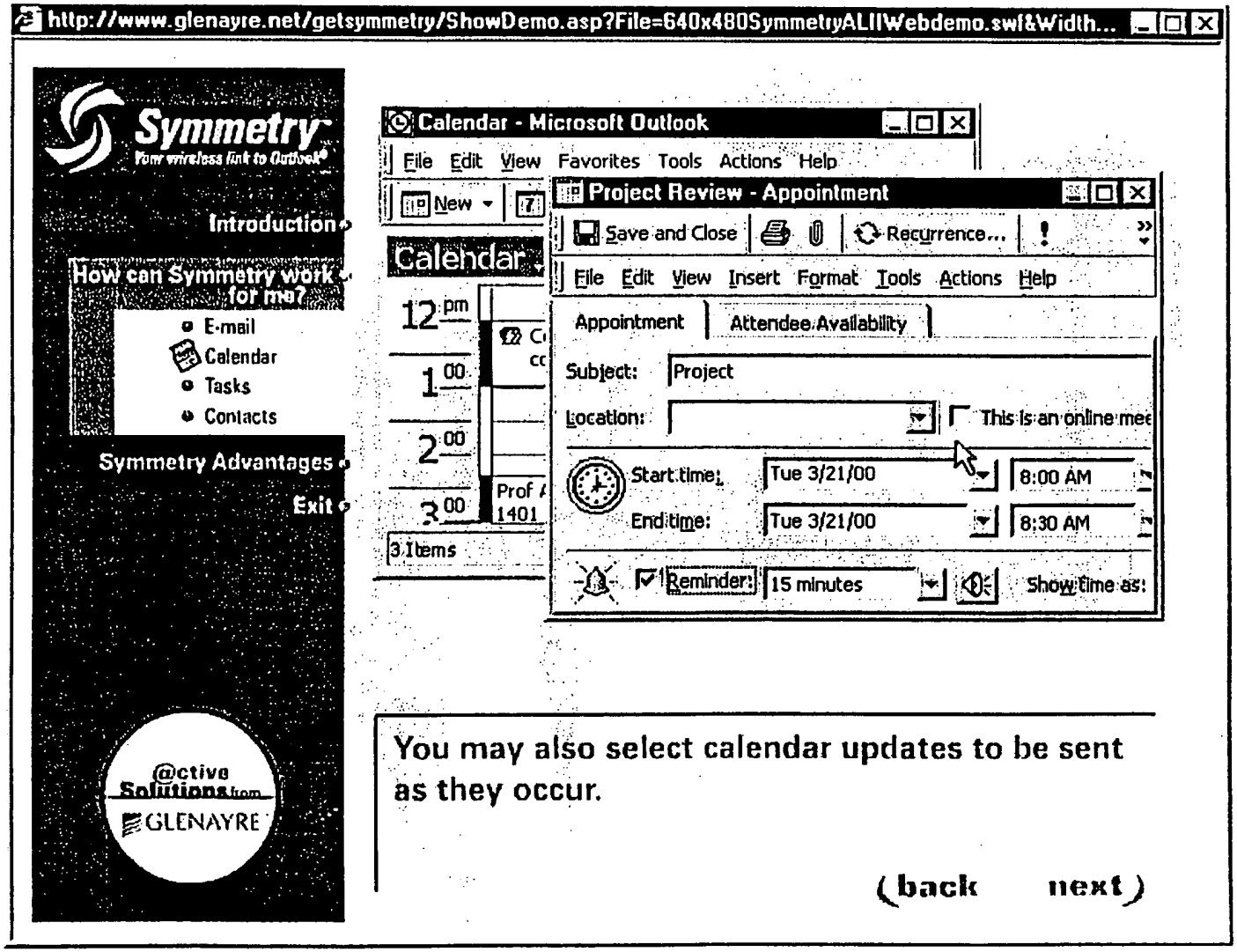

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Calendar - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New Week Month Find
Calendar
March 21, 2000
12 pm
Conference Call - 800-555-9999
confirm 1234 (My office)
1 00
2 00
3 00
Prof Assoc Gathering (Giordo Advertising - 1401 West Morehead Street)
3 Items
Symmetry automatically forwards your daily calendar list to your AccessLink II at a specified time each day.
(back next)


http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook®
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Calendar - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Week
Month
Find
Calendar
March 21, 2000
12 pm
1 00
2 00
3 00
Conference
confirm 12
Prof Assoc G
1401 West M
3 Items
GLENAYRE
Symmetry automatically forwards your daily calendar list to your AccessLink II at a specified time each day.
(back next)

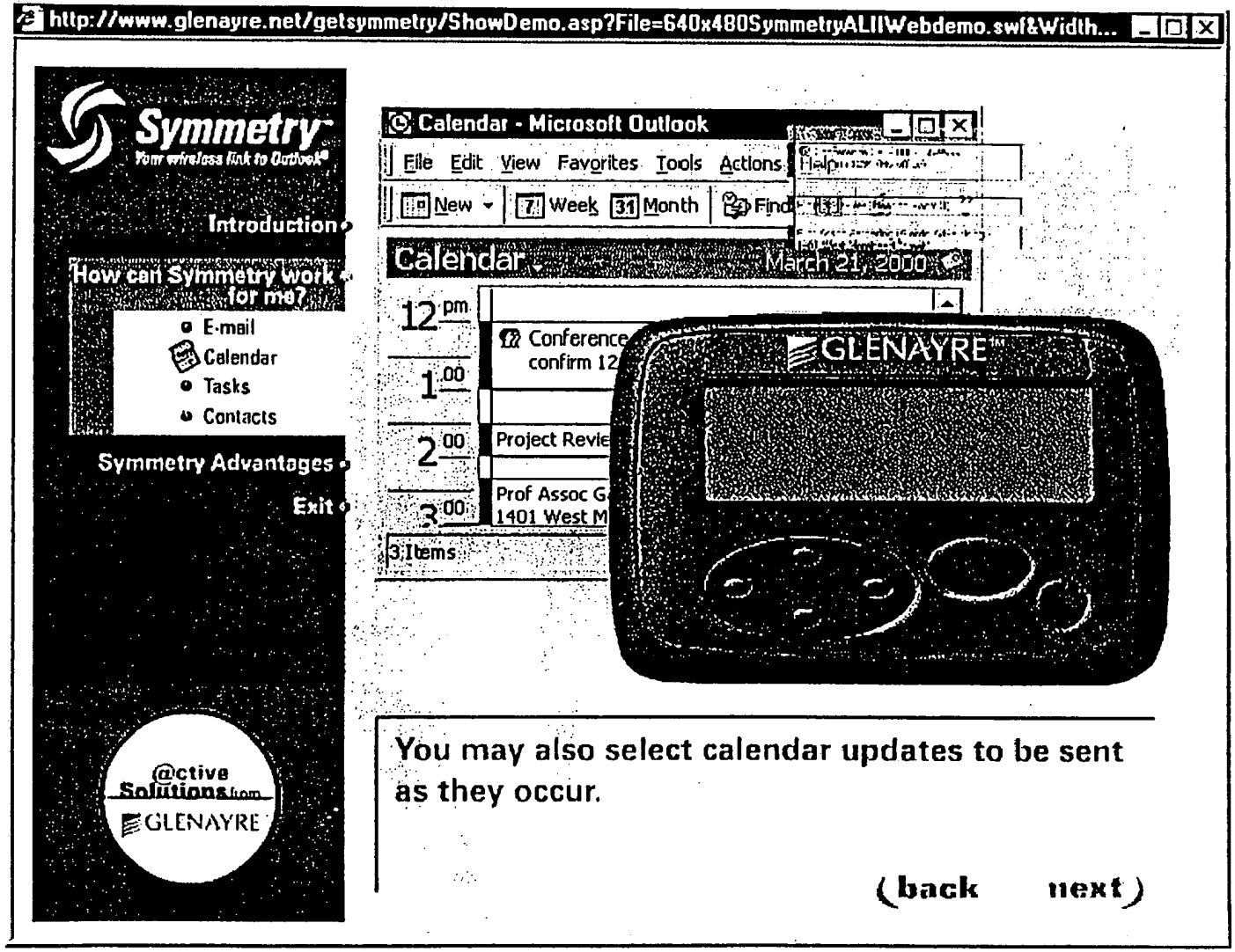

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALLIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Calendar - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Week
Month
Find
Calendar
March 21, 2000
12 pm
1 00
2 00
3 00
Conference
confirm 12
Prof Assoc G
1401 West M
3 Items
GLENAYRE
The calendar summary will list each appointment along with it's time and location.
(back next)

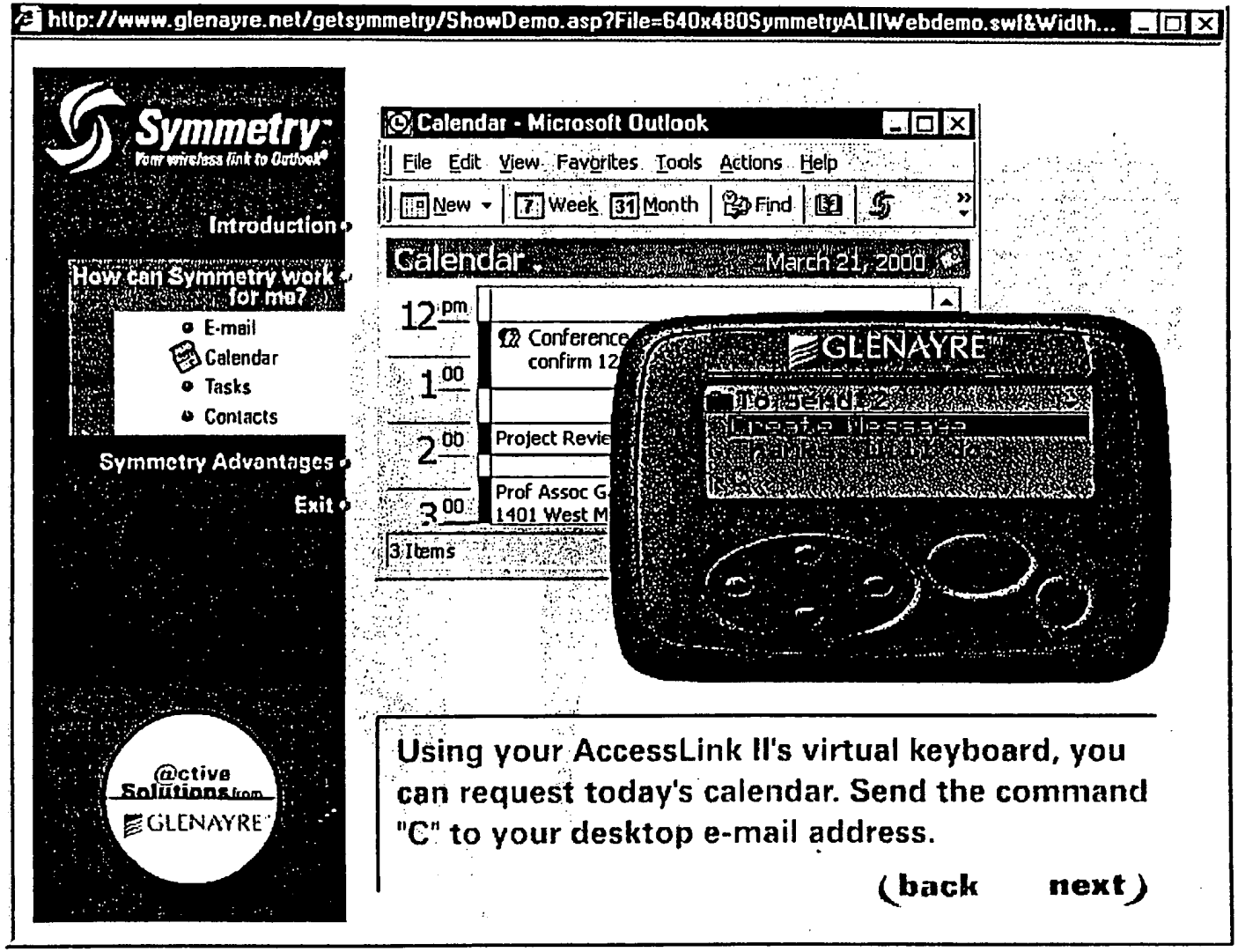
G 10

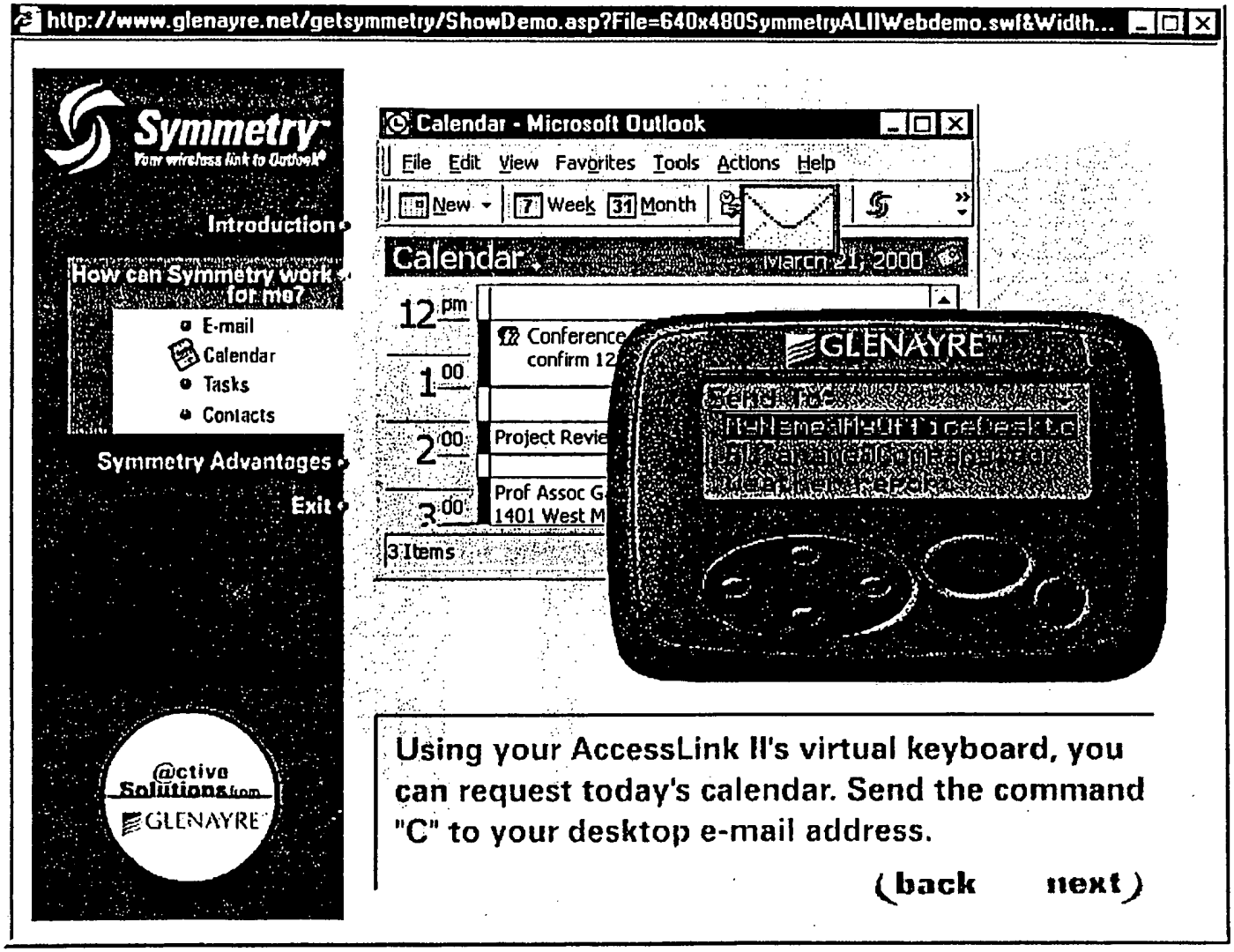

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Calendar - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Week
Month
Find
Calendar
March 21, 2000
12 pm
1 00
2 00
3 00
3 Items
GLENAYRE
You may also select calendar updates to be sent as they occur.
(back next)


http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Calendar - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Calendar
12 pm
1 00
2 00
3 00
3 Items
Project Review - Appointment
Save and Close
Recurrence...
File Edit View Insert Format Tools Actions Help
Appointment
Attendee Availability
Subject: Project
Location:
This is an online mee
Start time: Tue 3/21/00 8:00 AM
End time: Tue 3/21/00 8:30 AM
Reminder: 15 minutes
Show time as:
You may also select calendar updates to be sent as they occur.
(back next)

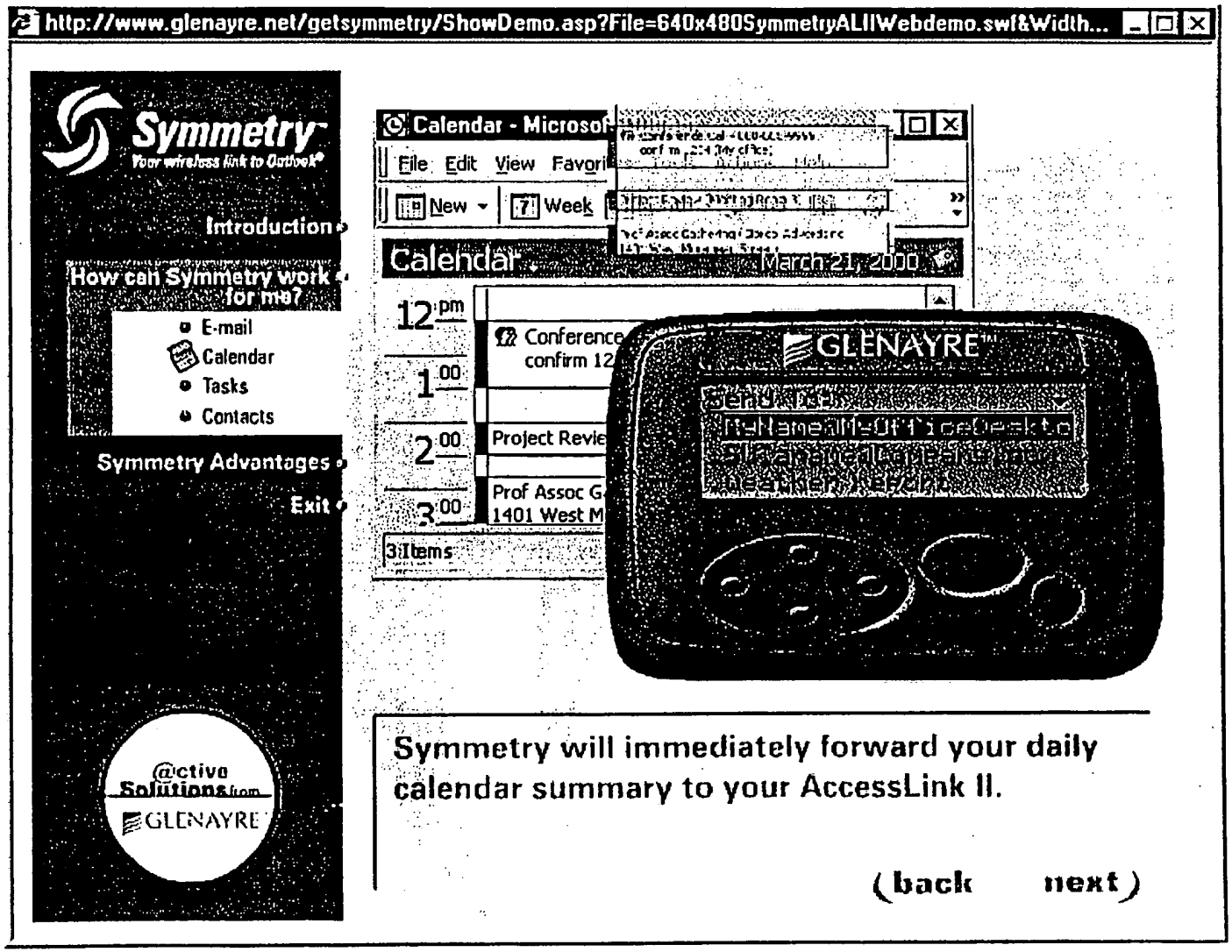
612

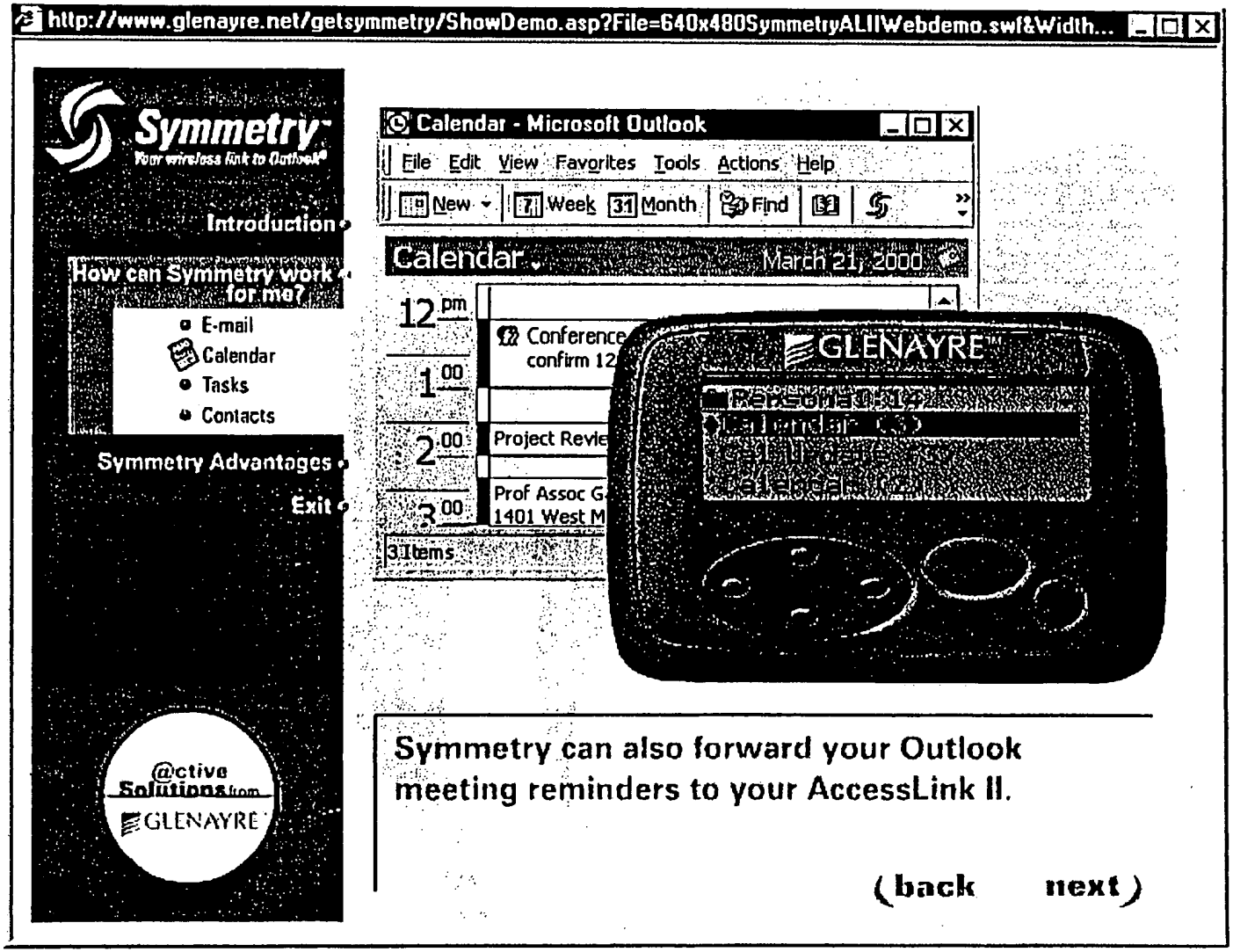

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Calendar - Microsoft Outlook
File Edit View Favorites Tools Actions
New
7 Week
31 Month
Find
Calendar
March 21, 2000
12 pm
1 00
2 00
3 00
Conference
confirm 12
Project Revie
Prof Assoc G
1401 West M
3 Items
GLENAYRE
You may also select calendar updates to be sent as they occur.
(back next)

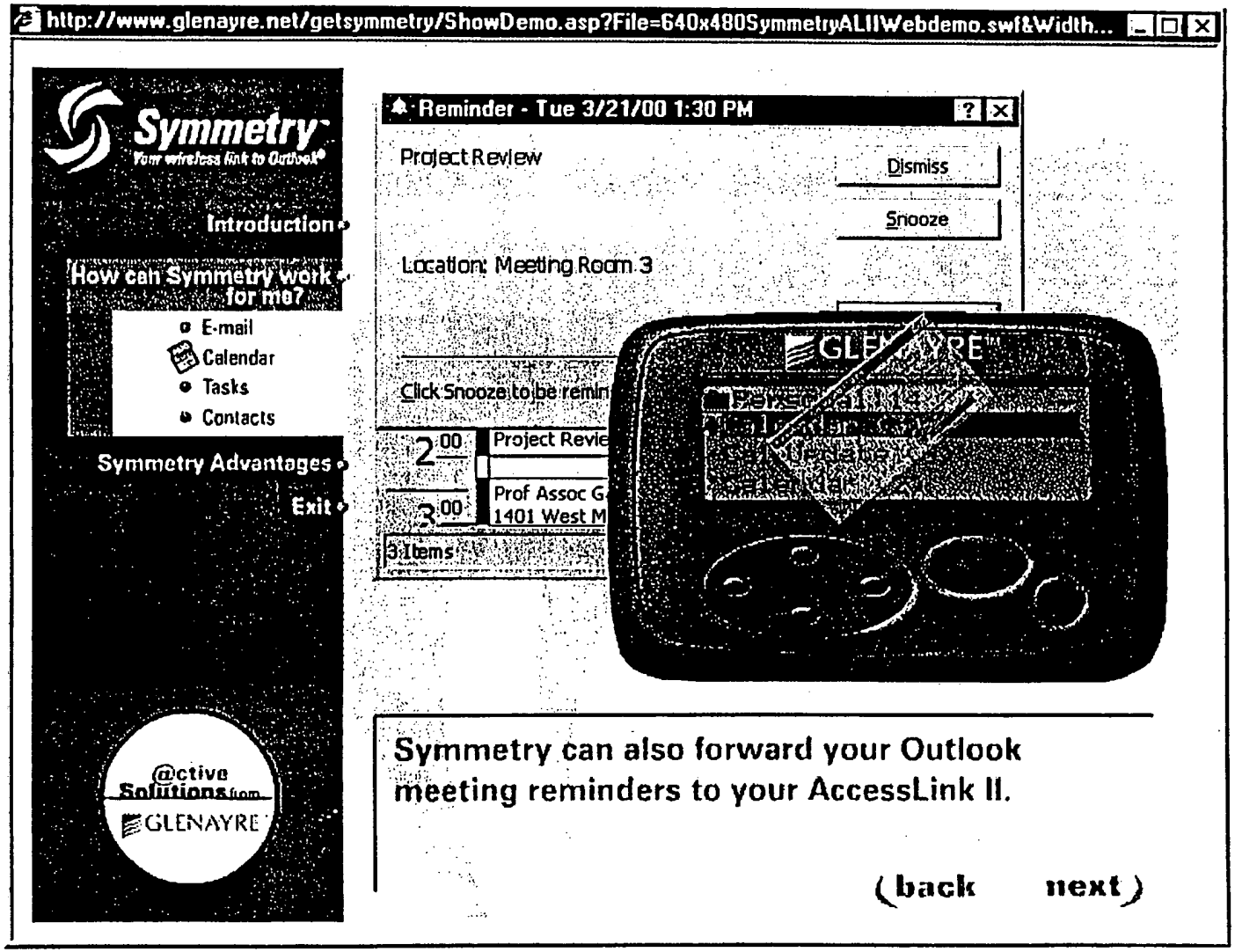

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Calendar - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Week
Month
Find
Calendar
March 21, 2000
12 pm
1 00
2 00
3 00
Conference
confirm 12
Project Revie
Prof Assoc G
1401 West M
3 Items
GLENAYRE
To: Send 2
Create Message
Using your AccessLink II's virtual keyboard, you can request today's calendar. Send the command "C" to your desktop e-mail address.
back
next

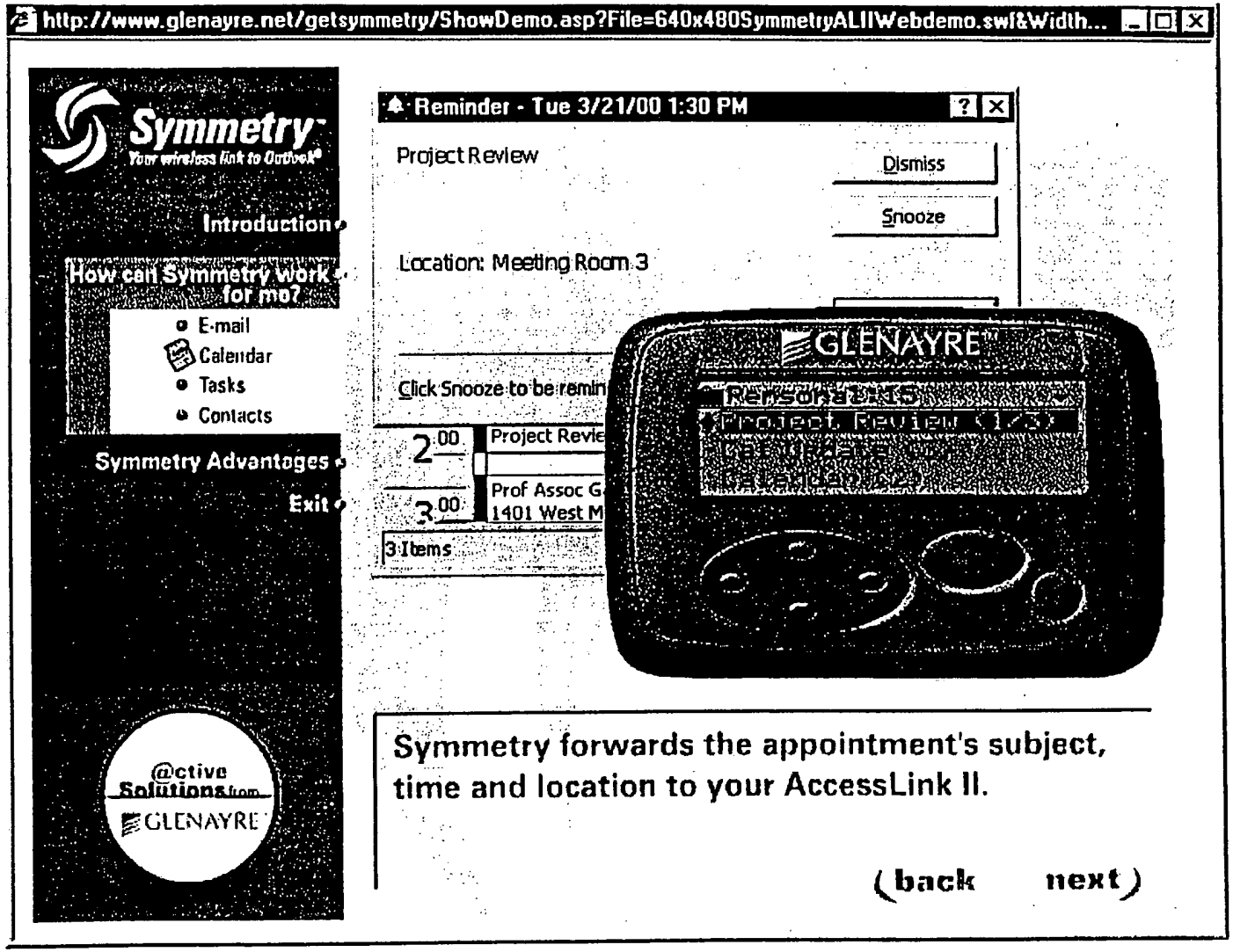

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Calendar - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
7 Week
31 Month
Calendar
March 21, 2000
12 pm
1 00
2 00
3 00
Conference
confirm 12
Project Revie
Prof Assoc G
1401 West M
3 Items
GLENAYRE
Using your AccessLink II's virtual keyboard, you can request today's calendar. Send the command "C" to your desktop e-mail address.
(back next)

G 15

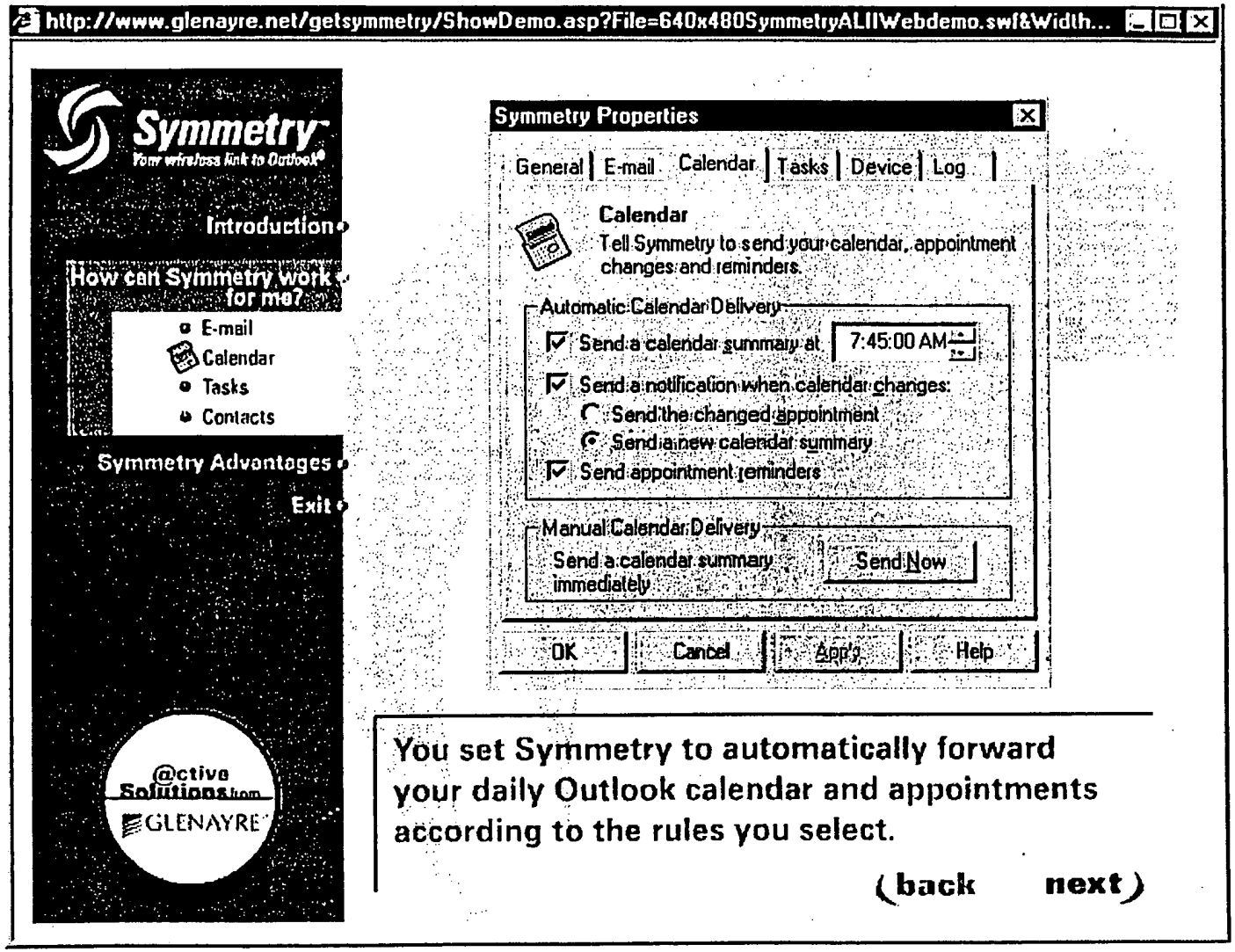

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Calendar - Microsof
File Edit View Favori
New
Week
Calendar
March 21, 2000
12 pm
1 00
2 00
3 00
Conference
confirm 12
Project Revie
Prof Assoc G
1401 West M
3 Items
GLENAYRE
Symmetry will immediately forward your daily calendar summary to your AccessLink II.
(back next)


http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Calendar - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Week
Month
Find
Calendar
March 21, 2000
12 pm
1 00
2 00
3 00
Conference
confirm 12
Project Revie
Prof Assoc G
1401 West M
3 Items
GLENAYRE
Symmetry can also forward your Outlook meeting reminders to your AccessLink II.
(back next)

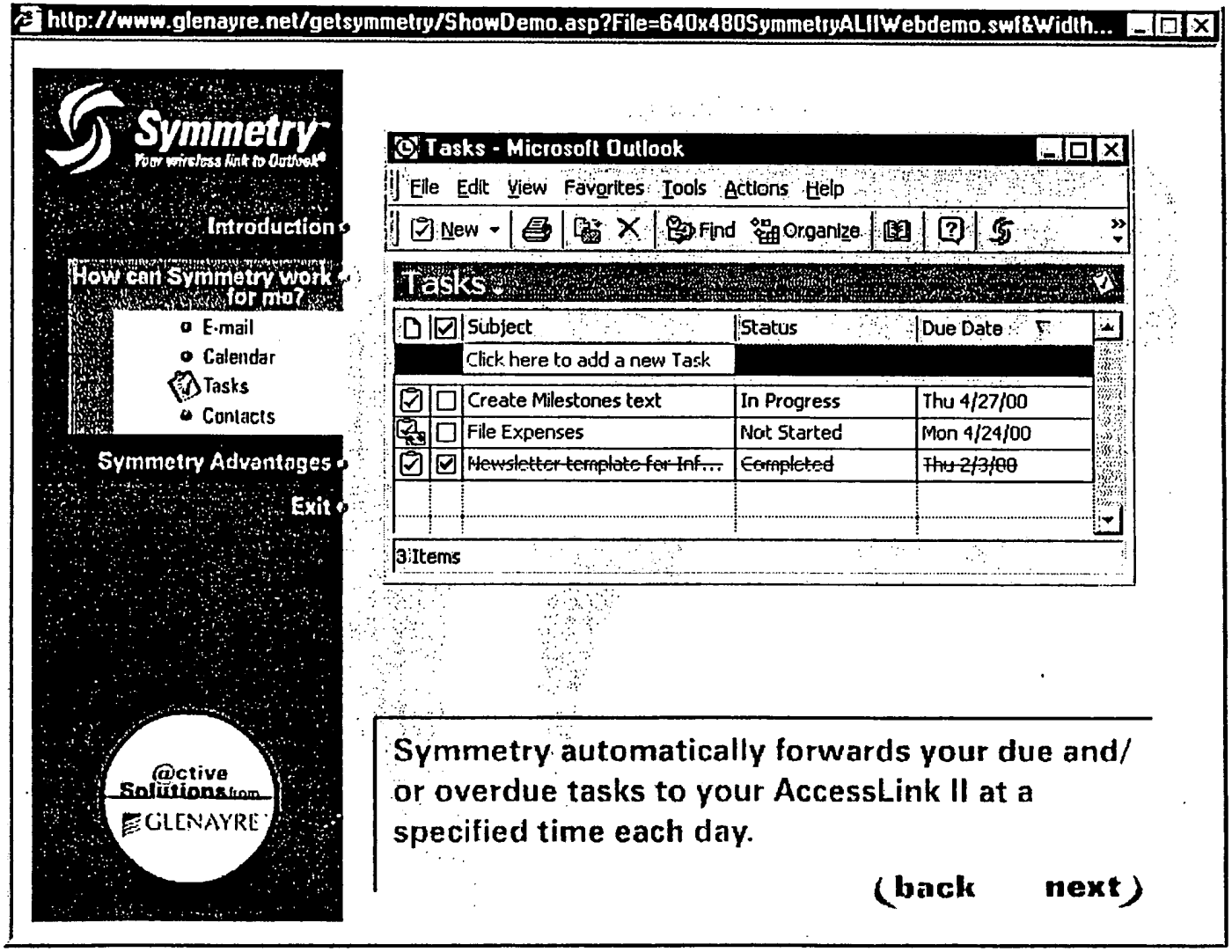

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Reminder - Tue 3/21/00 1:30 PM
Project Review
Dismiss
Snooze
Location: Meeting Room 3
Click Snooze to be remin
2:00
Project Revie
3:00
Prof Assoc G
1401 West M
3 Items
Symmetry can also forward your Outlook meeting reminders to your AccessLink II.
(back next)

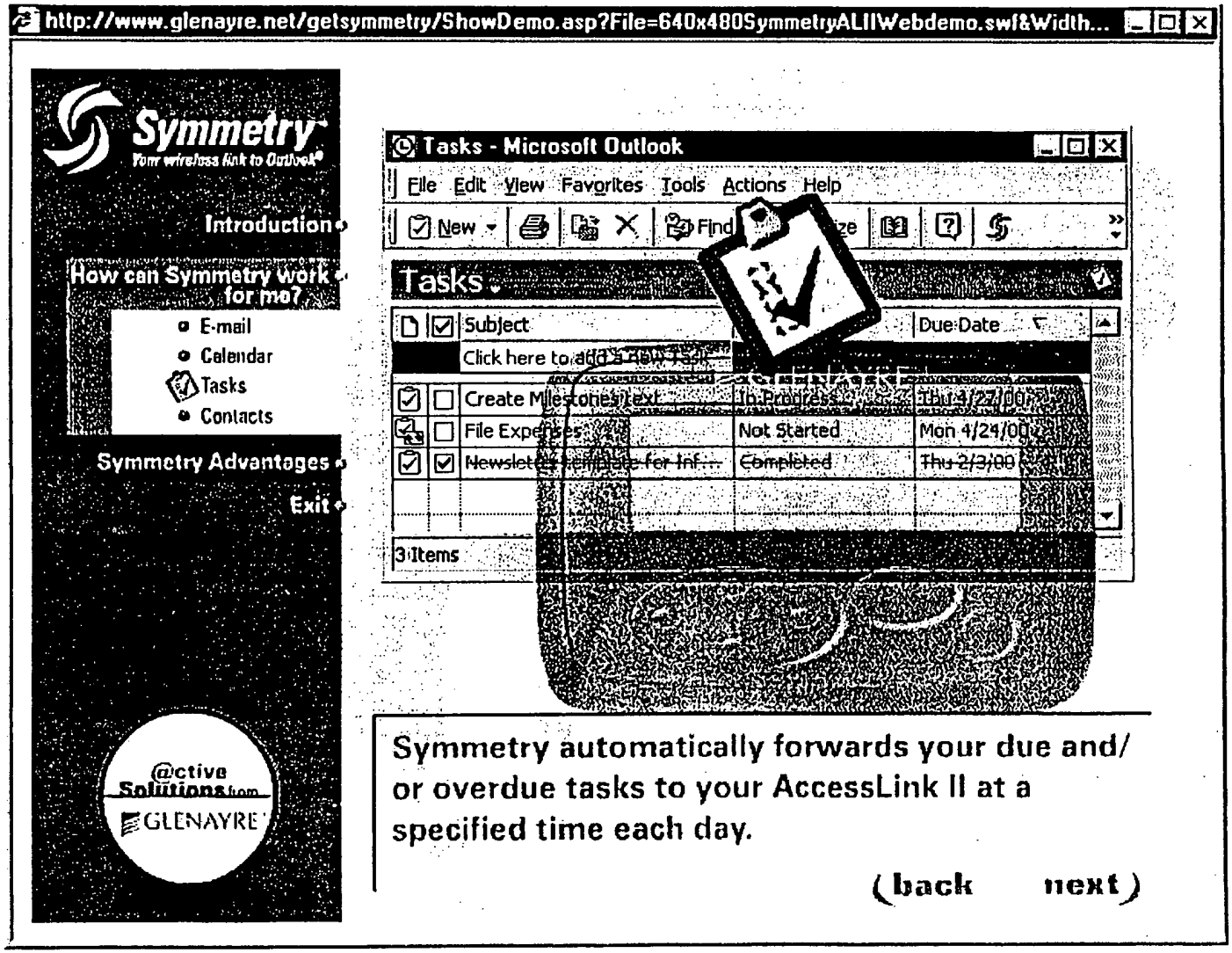

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Reminder - Tue 3/21/00 1:30 PM
Project Review
Dismiss
Snooze
Location: Meeting Room 3
Click Snooze to be remin
2:00
Project Revie
3:00
Prof Assoc G
1401 West M
3 Items
GLENAYRE
Project Review (1/3)
Symmetry forwards the appointment's subject, time and location to your AccessLink II.
back
next

619

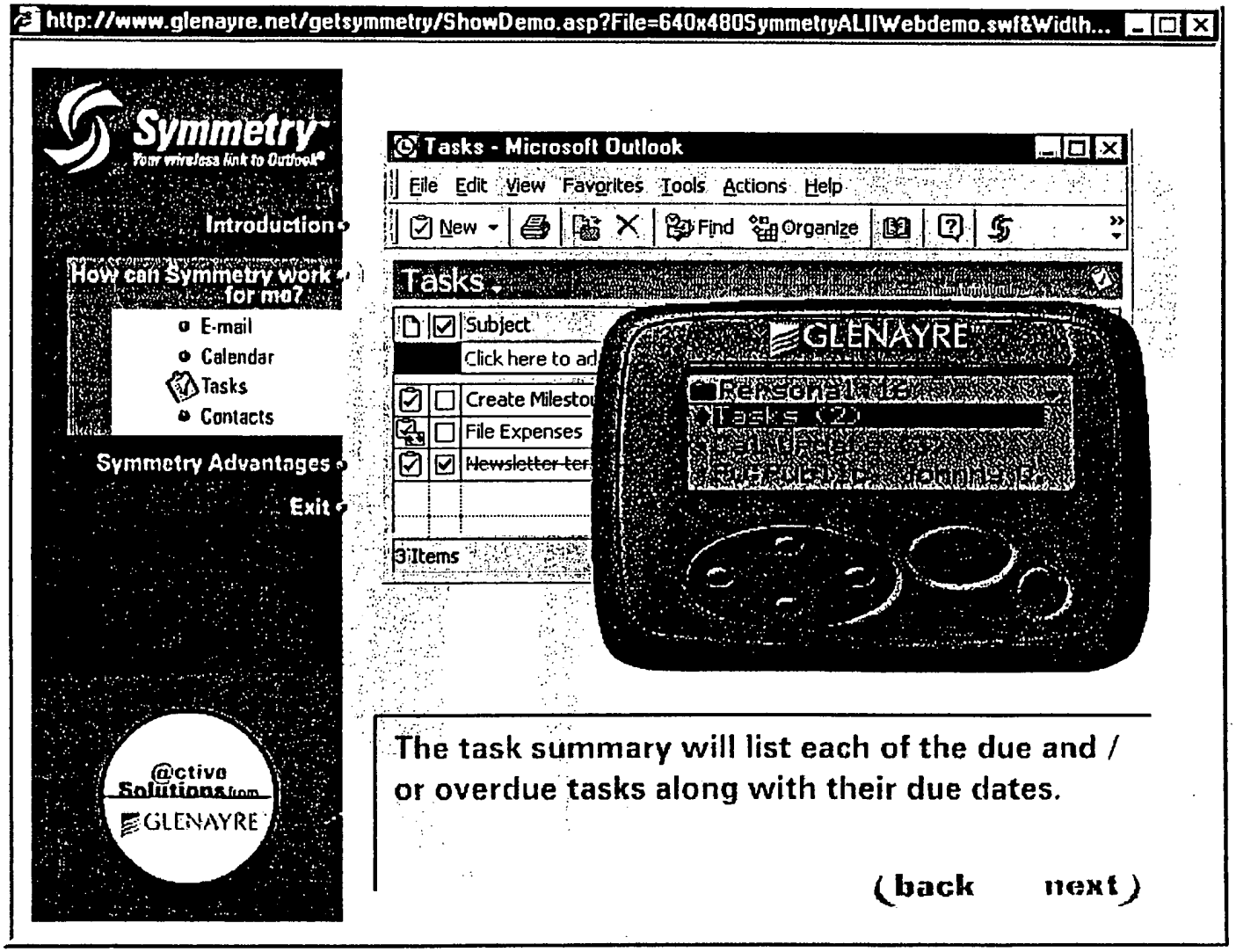

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Symmetry Properties
General
E-mail
Calendar
Tasks
Device
Log
Calendar
Tell Symmetry to send your calendar, appointment changes and reminders.
Automatic Calendar Delivery
Send a calendar summary at
7:45:00 AM
Send a notification when calendar changes:
Send the changed appointment
Send a new calendar summary
Send appointment reminders
Manual Calendar Delivery
Send a calendar summary immediately
Send Now
OK
Cancel
Appl
Help
You set Symmetry to automatically forward your daily Outlook calendar and appointments according to the rules you select.
(back
next)

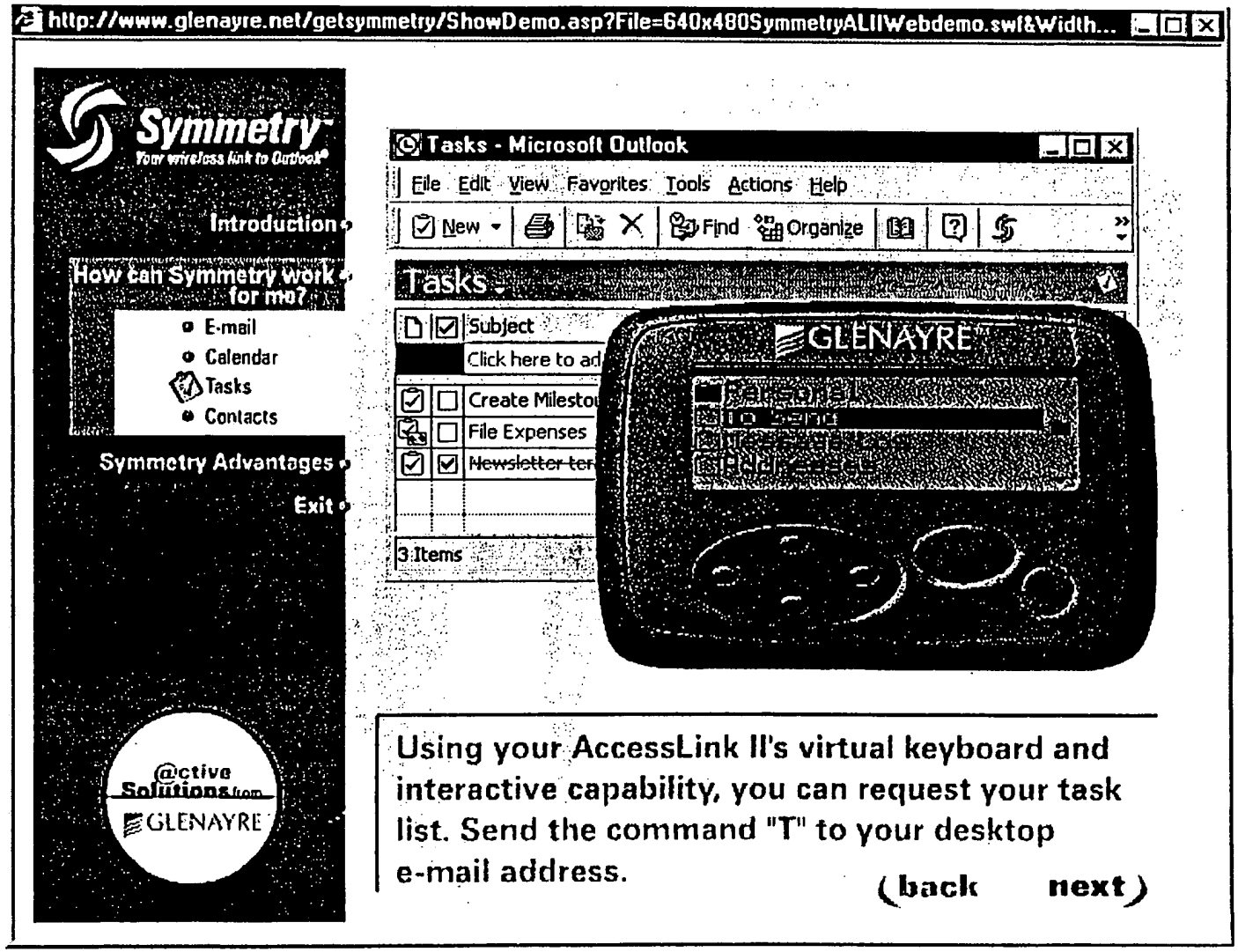
G20

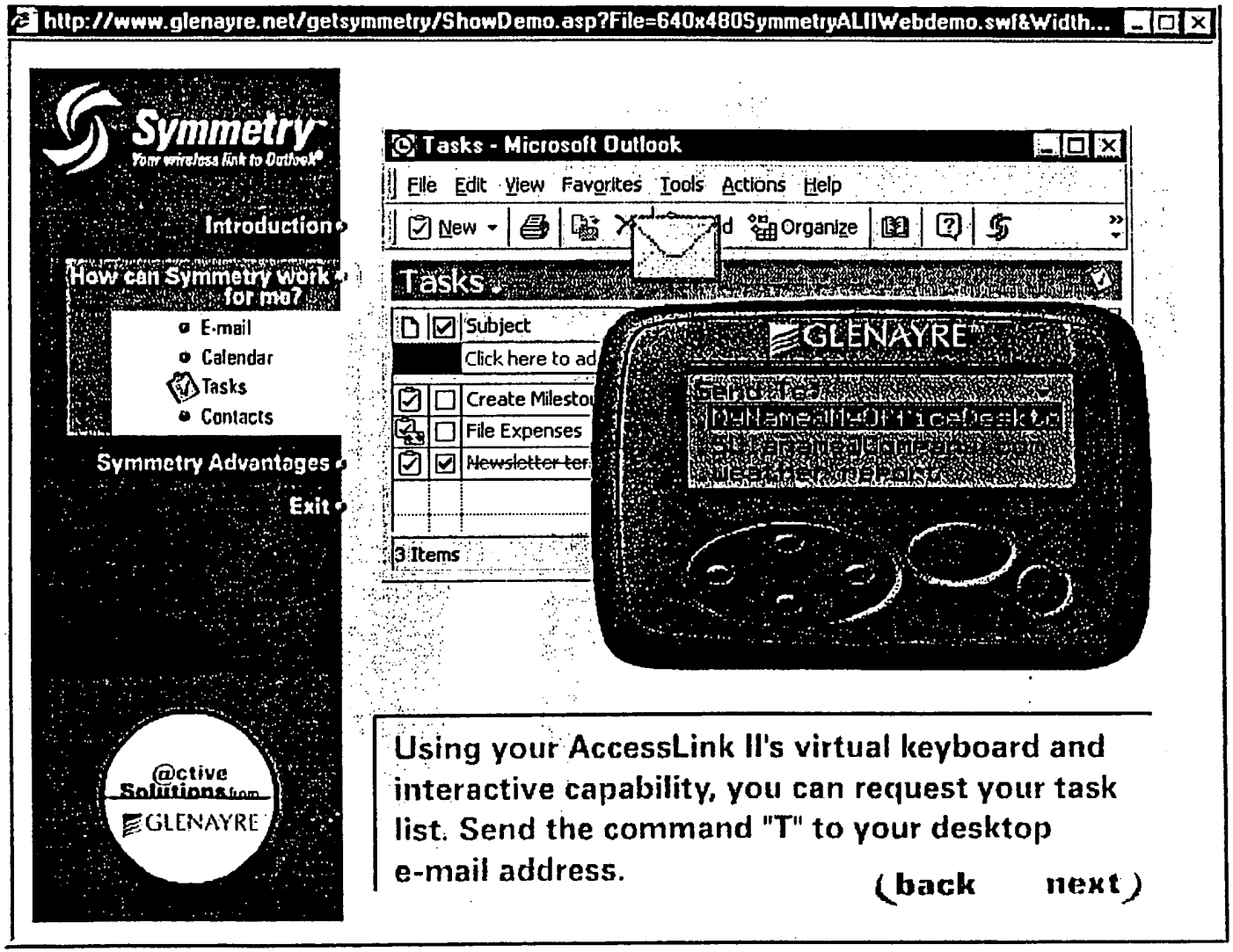

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Tasks - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Find
Organize
Tasks
Subject
Status
Due Date
Click here to add a new Task
Create Milestones text
In Progress
Thu 4/27/00
File Expenses
Not Started
Mon 4/24/00
Newsletter template for Inf...
Completed
Thu 2/3/00
3 Items
Symmetry automatically forwards your due and/or overdue tasks to your AccessLink II at a specified time each day.
back
next

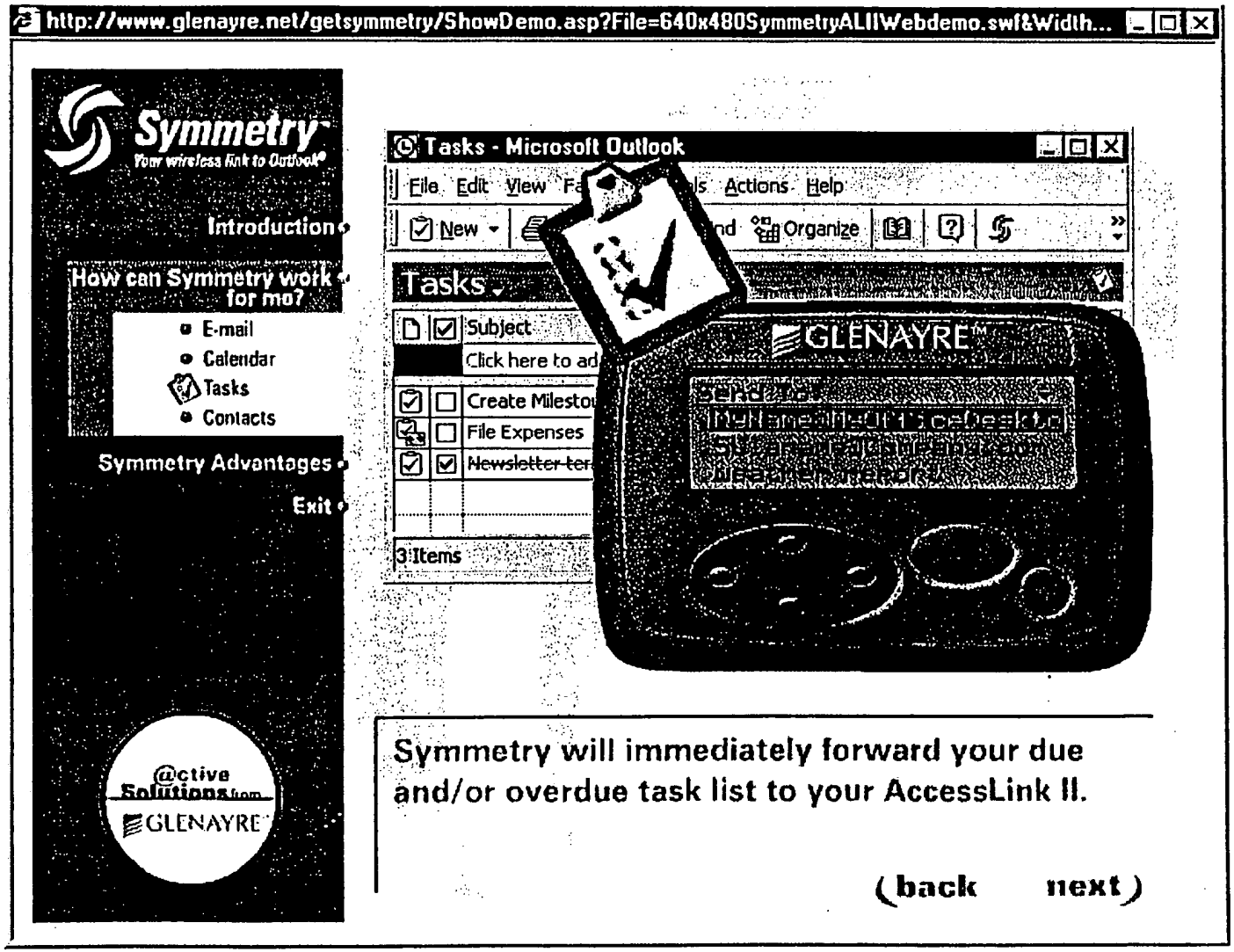

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Tasks - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Find
Tasks
Subject
Due Date
Click here to add a new Task
Create Milestones Text
In Progress
Thu 4/27/00
File Expenses
Not Started
Mon 4/24/00
Newsletter Template for Inf...
Completed
Thu 2/3/00
3 Items
Symmetry automatically forwards your due and/or overdue tasks to your AccessLink II at a specified time each day.
(back next)

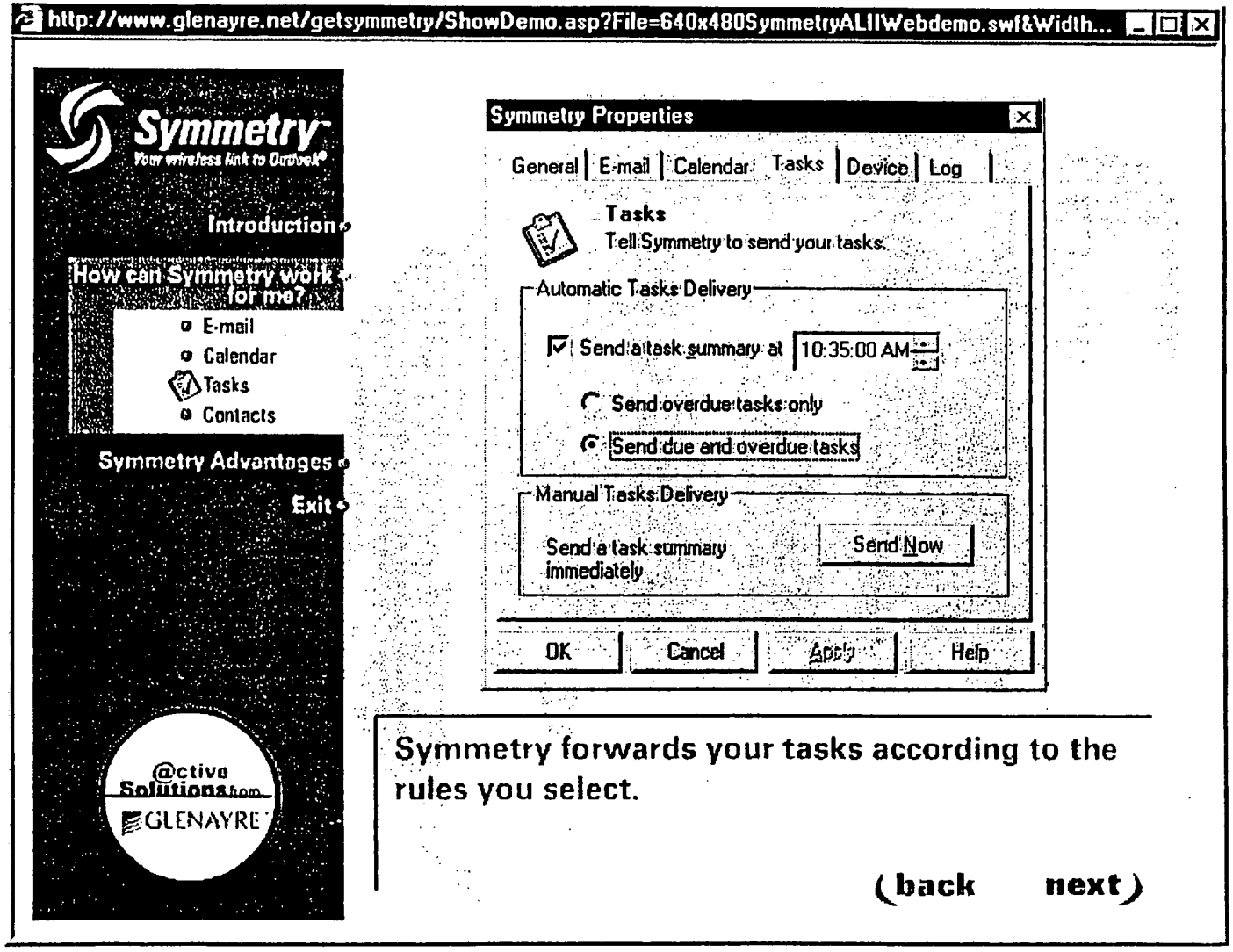
G22


http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Tasks - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Find
Organize
Tasks
Subject
Click here to ad
Create Milestou
File Expenses
Newsletter ter
3 Items
GLENAYRE
The task summary will list each of the due and / or overdue tasks along with their due dates.
(back next)

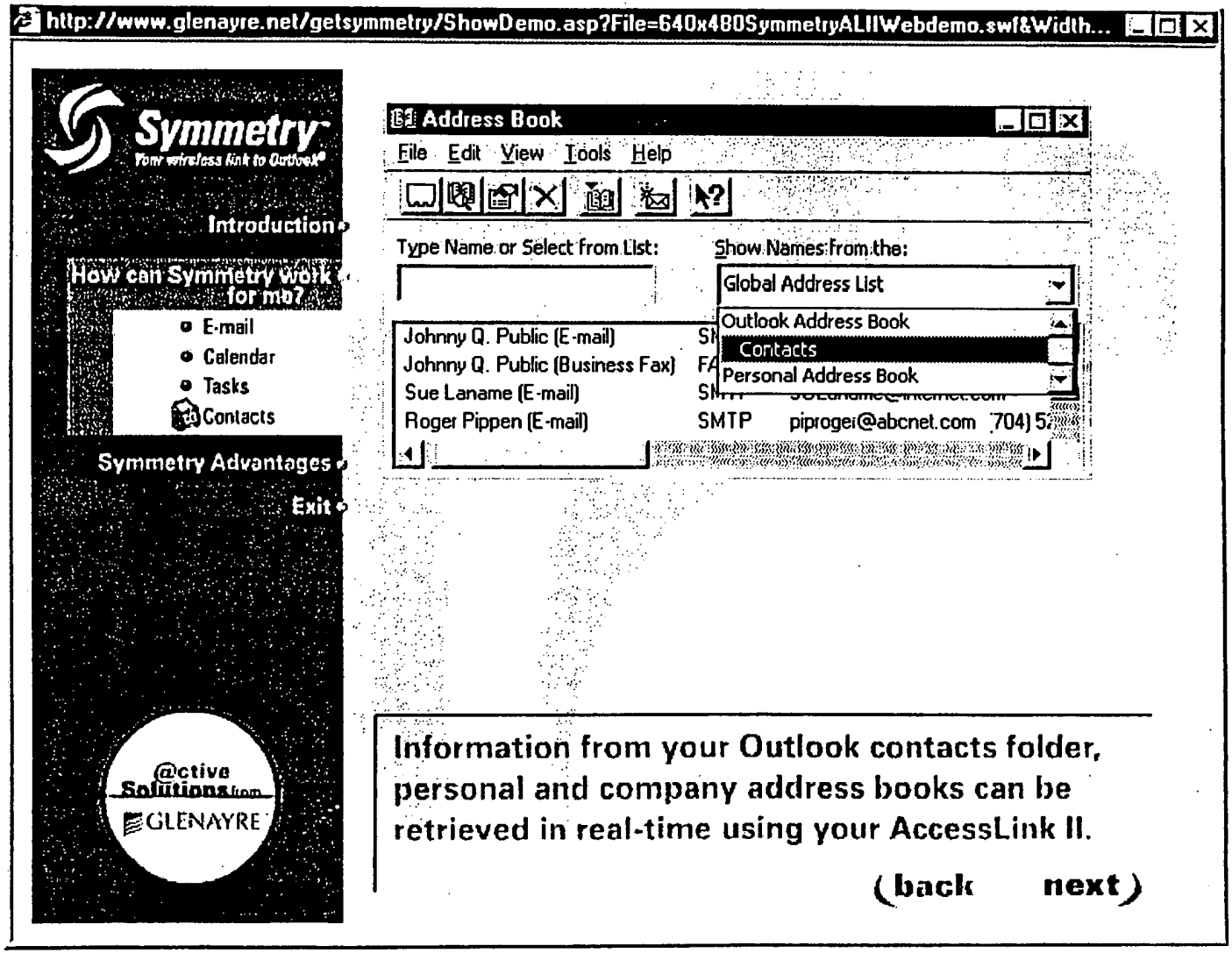

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Tasks - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Find
Organize
Tasks
Subject
Click here to ad
Create Milesto
File Expenses
Newsletter ter
3 Items
GLENAYRE
Using your AccessLink II's virtual keyboard and interactive capability, you can request your task list. Send the command "T" to your desktop e-mail address.
(back next)


http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Tasks - Microsoft Outlook
File Edit View Favorites Tools Actions Help
New
Organize
Tasks
Subject
Click here to ad
Create Mileston
File Expenses
Newsletter ter
3 Items
GLENAYRE
Using your AccessLink II's virtual keyboard and interactive capability, you can request your task list. Send the command "T" to your desktop e-mail address.
(back next)

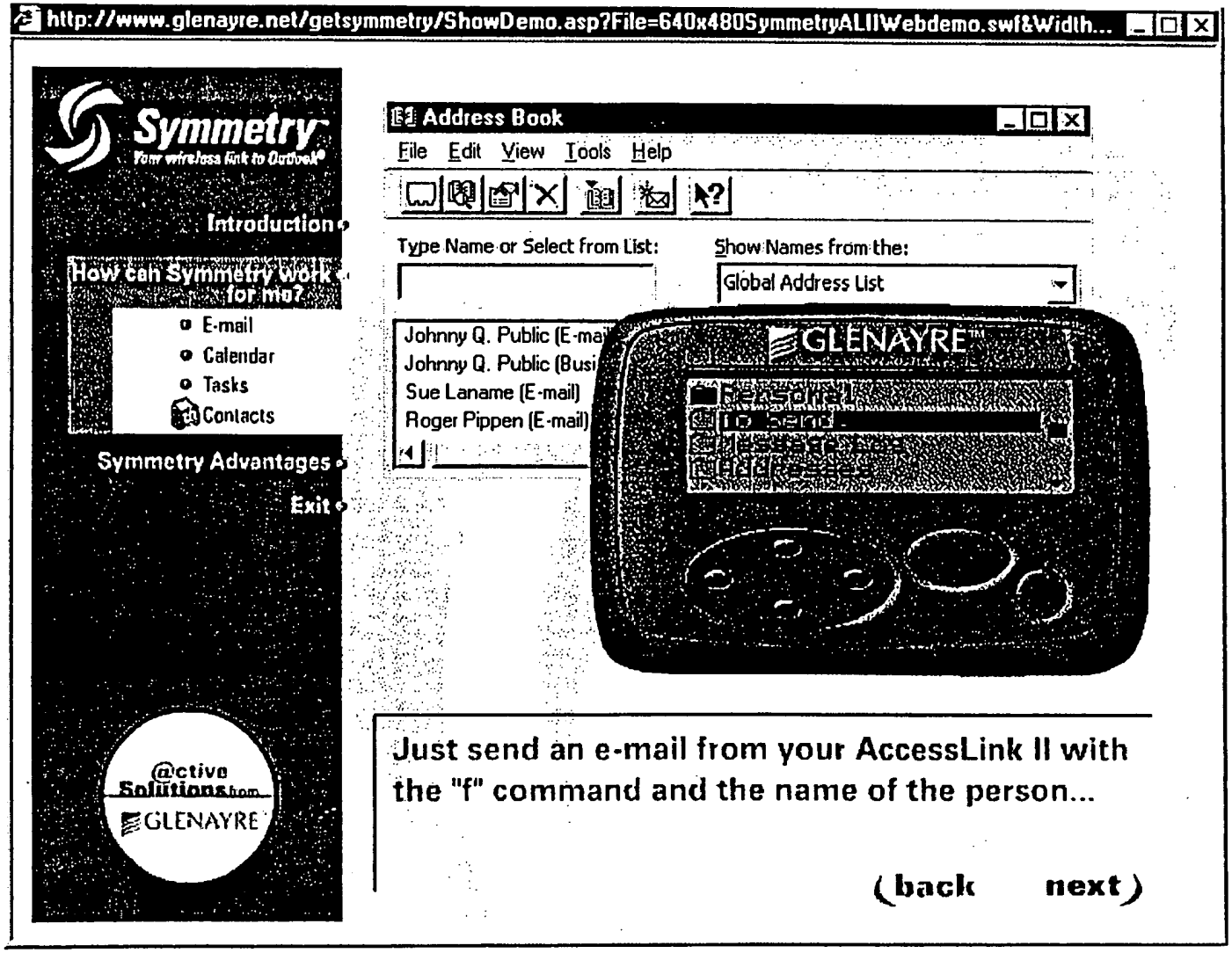

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Tasks - Microsoft Outlook
File Edit View
Actions Help
New
Organize
Tasks
Subject
Click here to add
Create Milestou
File Expenses
Newsletter ter
3 Items
GLENAYRE
Symmetry will immediately forward your due and/or overdue task list to your AccessLink II.
(back next)

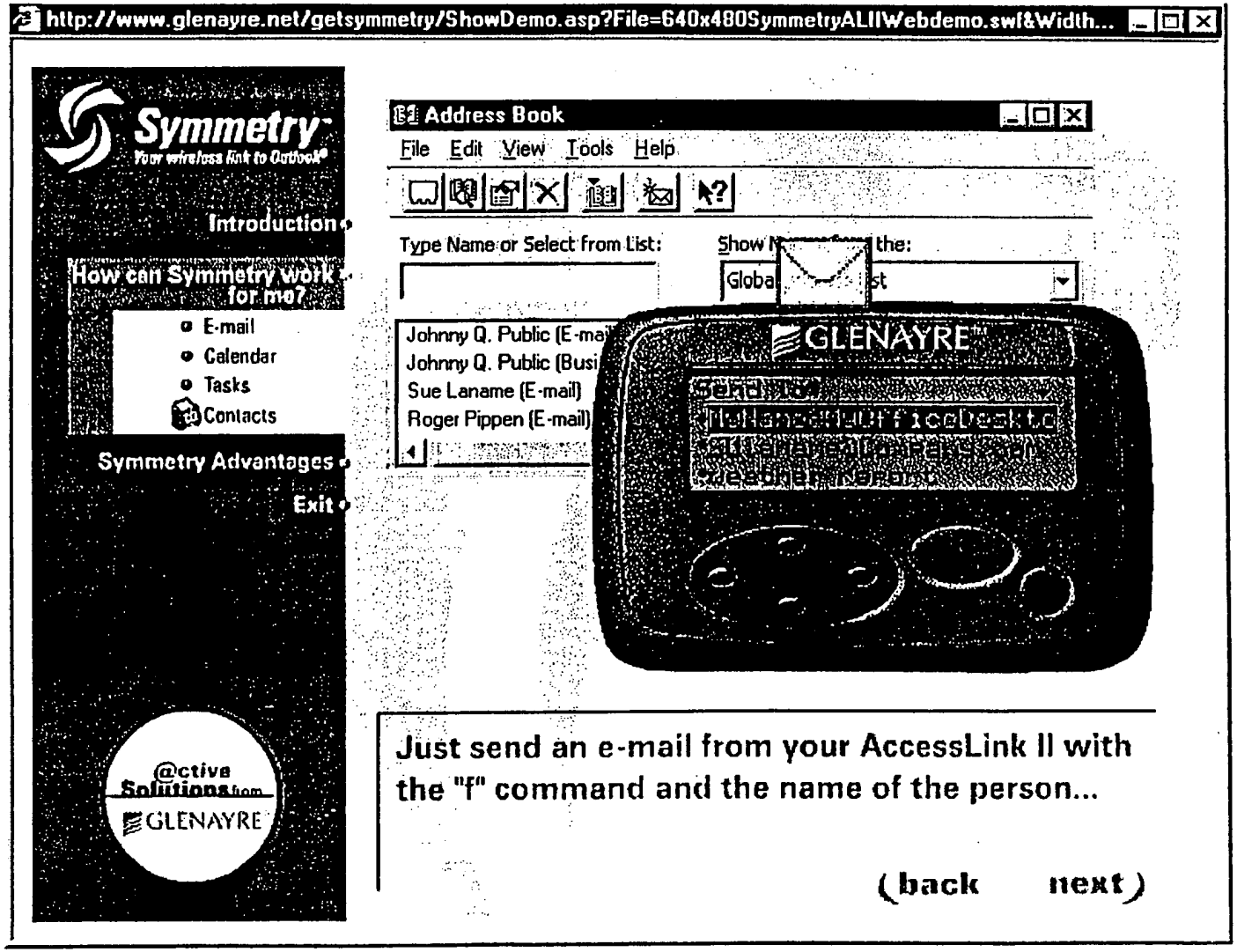

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook®
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Symmetry Properties
General
E-mail
Calendar
Tasks
Device
Log
Tasks
Tell Symmetry to send your tasks.
Automatic Tasks Delivery
Send a task summary at
10:35:00 AM
Send overdue tasks only
Send due and overdue tasks
Manual Tasks Delivery
Send a task summary immediately
Send Now
OK
Cancel
Apply
Help
Symmetry forwards your tasks according to the rules you select.
(back
next)

627

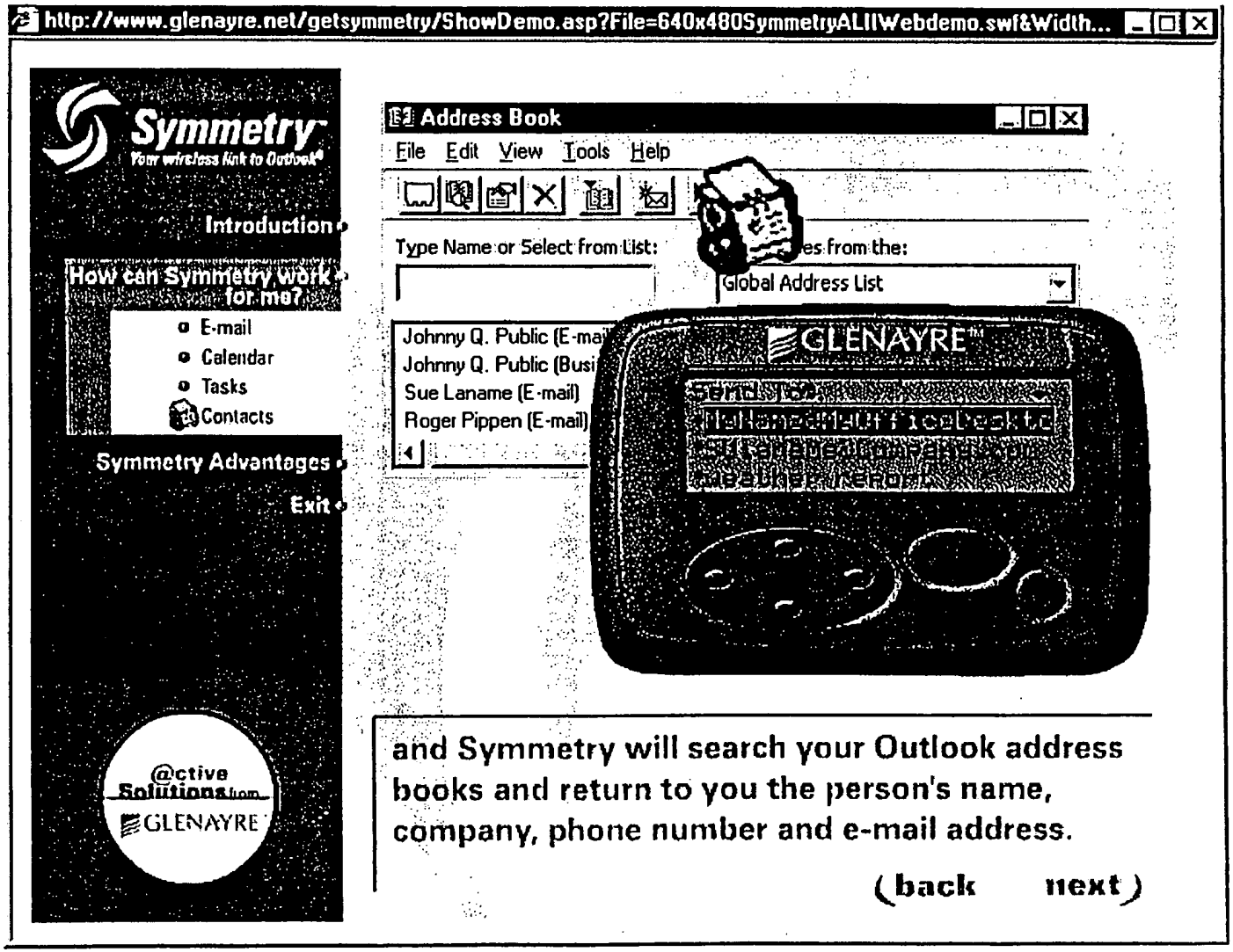

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Address Book
File Edit View Tools Help
Type Name or Select from List:
Show Names from the:
Global Address List
Outlook Address Book
Contacts
Personal Address Book
Johnny Q. Public (E-mail)
Johnny Q. Public (Business Fax)
Sue Laname (E-mail)
Roger Pippen (E-mail)
SMTP piproger@abcnet.com
Information from your Outlook contacts folder, personal and company address books can be retrieved in real-time using your AccessLink II.
(back next)

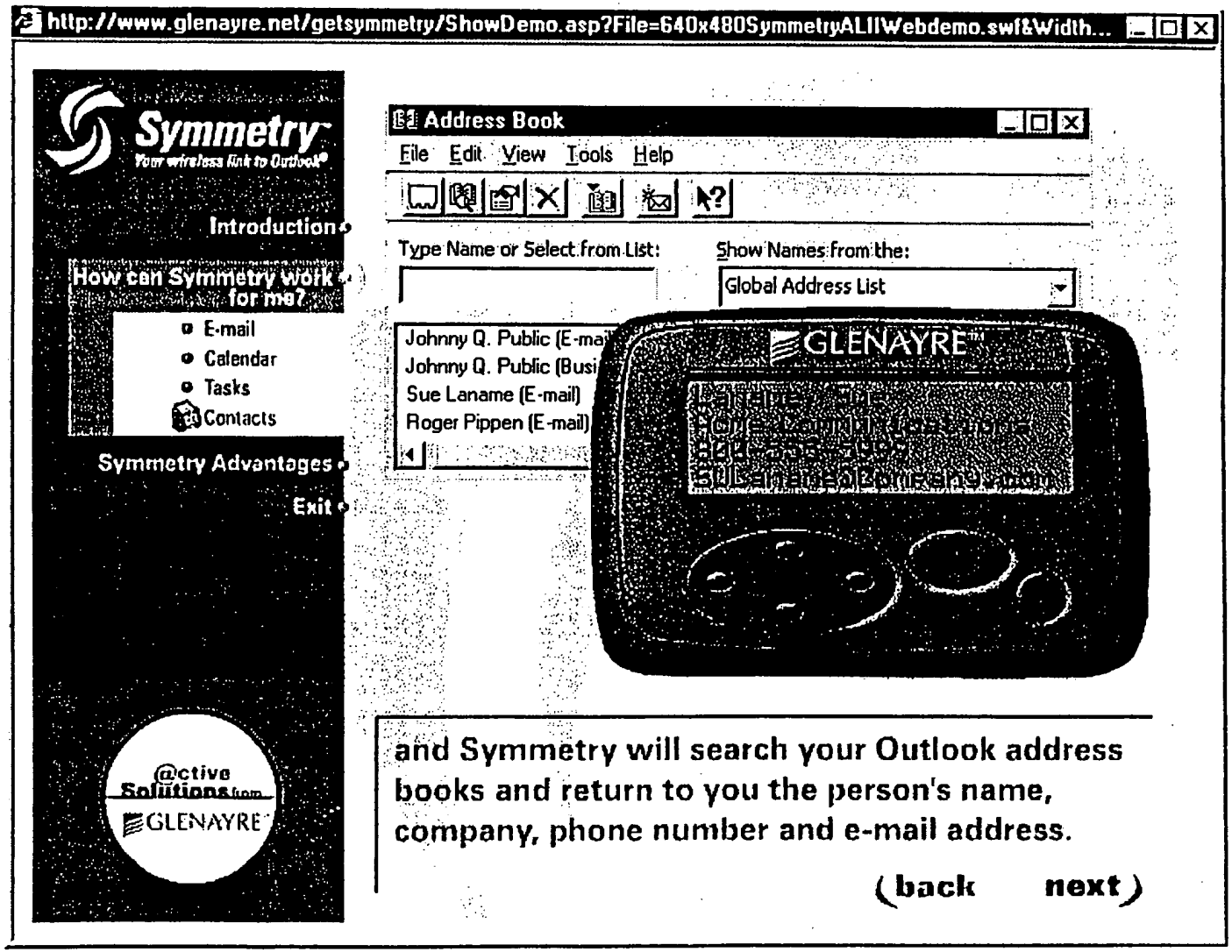
628


http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Address Book
File Edit View Tools Help
Type Name or Select from List:
Show Names from the:
Global Address List
Johnny Q. Public (E-mail)
Johnny Q. Public (Busi
Sue Laname (E-mail)
Roger Pippen (E-mail)
GLENAYRE
Just send an e-mail from your AccessLink II with the "f" command and the name of the person...
(back next)


http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Address Book
File Edit View Tools Help
Type Name or Select from List:
Johnny Q. Public (E-mail)
Johnny Q. Public (Busi
Sue Laname (E-mail)
Roger Pippen (E-mail)
GLENAYRE
Just send an e-mail from your AccessLink II with the "f" command and the name of the person...
(back next)

630


http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALLIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Address Book
File Edit View Tools Help
Type Name or Select from List:
Global Address List
Johnny Q. Public (E-mail)
Johnny Q. Public (Busi
Sue Laname (E-mail)
Roger Pippen (E-mail)
GLENAYRE
and Symmetry will search your Outlook address books and return to you the person's name, company, phone number and e-mail address.
(back next)

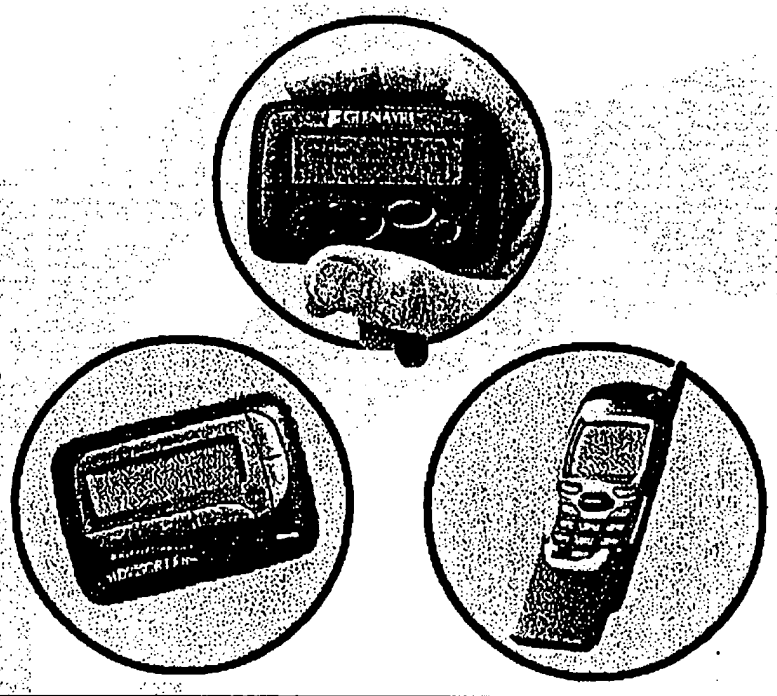

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
E-mail
Calendar
Tasks
Contacts
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Address Book
File Edit View Tools Help
Type Name or Select from List:
Show Names from the:
Global Address List
Johnny Q. Public (E-mail)
Johnny Q. Public (Busi
Sue Laname (E-mail)
Roger Pippen (E-mail)
GLENAYRE
and Symmetry will search your Outlook address books and return to you the person's name, company, phone number and e-mail address.
(back next)

http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...

Symmetry
Your wireless link to Outlook®

Introduction
How can Symmetry work for me?
Symmetry Advantages
Exit

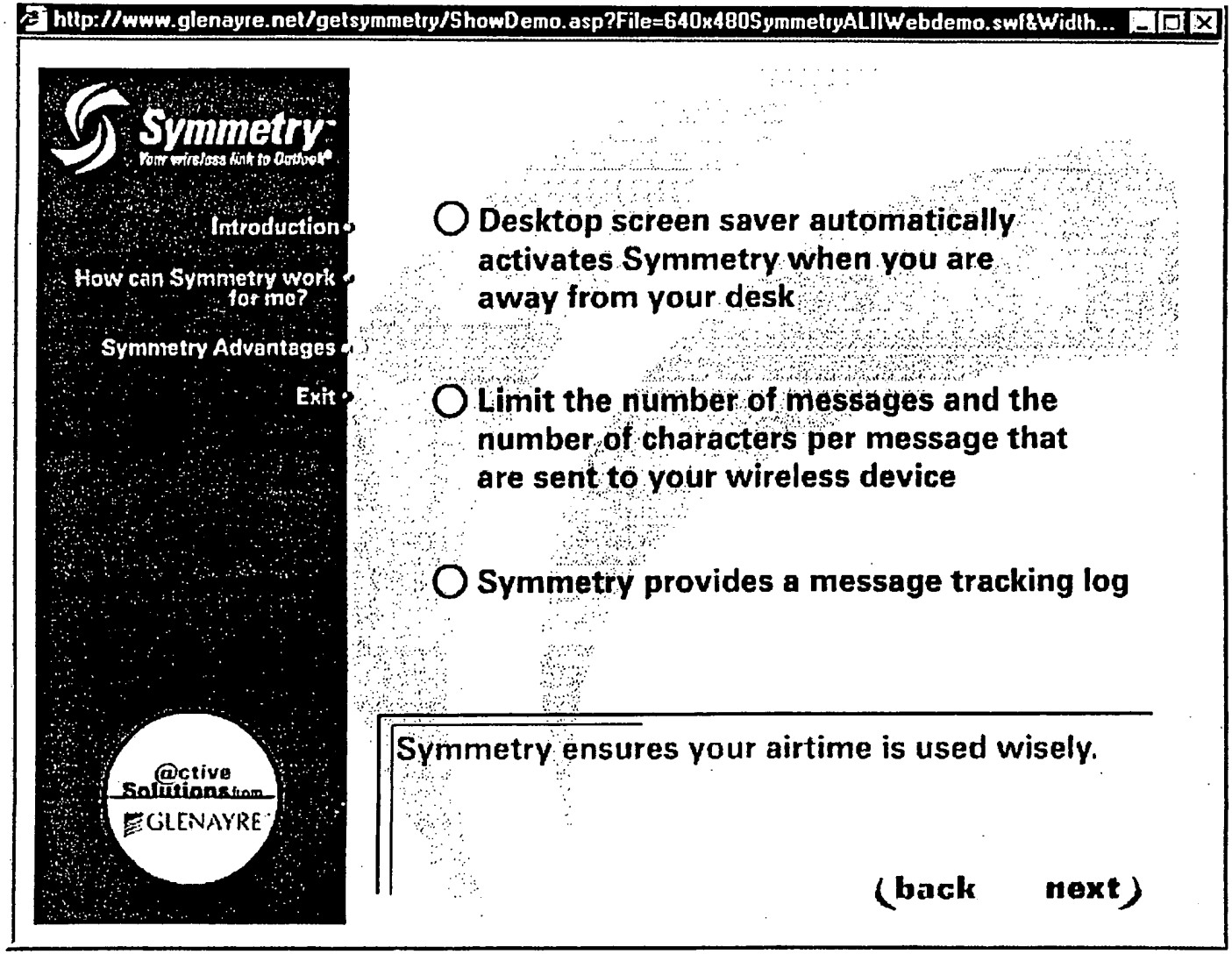
@ctive Solutions from GLENAYRE



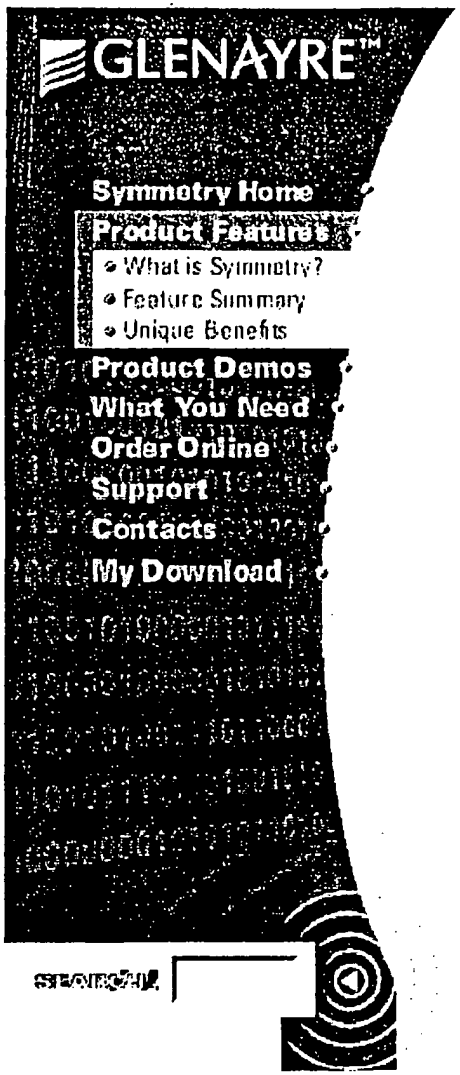
Symmetry works with any wireless device that can receive e-mail.

(back next)

G33


http://www.glenayre.net/getsymmetry/ShowDemo.asp?File=640x480SymmetryALIIWebdemo.swf&Width...
Symmetry
Your wireless link to Outlook
Introduction
How can Symmetry work for me?
Symmetry Advantages
Exit
@ctive Solutions from GLENAYRE
Desktop screen saver automatically activates Symmetry when you are away from your desk
Limit the number of messages and the number of characters per message that are sent to your wireless device
Symmetry provides a message tracking log
Symmetry ensures your airtime is used wisely.
(back next)

G34



Symmetry™
Your wireless link to Outlook®

PRODUCT FEATURES

Stay connected, wherever you go

If you're like most of us, you rely on Outlook for your e-mail, your daily calendar, your address book and more.

But when you're away from your desk, you're out of touch. You don't know if a meeting has been rescheduled, or if an important e-mail has arrived.

Symmetry lets you stay in touch.

Symmetry.
Your wireless link to Outlook.

Symmetry is software that runs on your PC. With Symmetry, you're wirelessly connected with your personal Outlook information wherever you go, via your existing wireless messaging device (pager, digital mobile phone, PDA, etc.).

- overview
- e-mail
- calendar
- reminders
- task list
- address book
- special features
- device commands

●●●

Page 635

1 WHAT IS SYMMETRY?

Symmetry™, an innovative software product developed by Infowave Software Inc., quickly and easily extends Microsoft Outlook® to virtually any wireless device. This software blends:

- Infowave's expertise in keeping the mobile professional connected with corporate data.
- Glenayre Technologies Inc.'s leadership in wireless data devices and networks, unified messaging, and enhanced services.

Infowave owns and supports Symmetry. Glenayre is a distribution channel for the Symmetry product to the paging market.

What does Symmetry do?

Symmetry software runs on your PC and allows your wireless device - one-way or two-way pager, PCS or GSM cell phone, or personal digital assistant - to access information from your desktop Microsoft Outlook.

What does Symmetry do for you?

You can set up Symmetry to automatically forward e-mail, calendar summaries, schedule changes, meeting reminders, and task lists from Outlook to your wireless device. If you can send e-mail from your device, you can send a request to your PC for specific types of Outlook information, such as contact information from your Outlook address book. You maintain access to key, real-time desktop information while working away from your desk- without having to find a phone jack.

Is it easy to use?

Once Symmetry is set up, it runs unobtrusively in the background, monitoring Outlook activity and managing all the wireless communication with your device.

As you're leaving the office, you can enable Symmetry's automatic forwarding feature with two quick clicks of your mouse. If you forget to enable forwarding before you leave- and if you have a two-way device that can send e-mail- you can enable (or disable) automatic forwarding remotely.

When you're back at your desk, another two clicks disables automatic forwarding to save airtime.

636 - Symmetry USER GUIDE

Copyrights

© 2000 Infowave Software, Inc.

This document is copyrighted with all domestic and international rights reserved. No part of this document may be reproduced, stored in a retrieval system, or transmitted, in any form, by any means, without the prior written permission of Infowave Software, Inc. No patent is assumed with respect to the use of the information contained in this document.

Trademarks

Symmetry is a trademark of Infowave Software, Inc. Microsoft, Windows, Outlook, and Exchange are trademarks of Microsoft Corporation.

All other brand names and product names are trademarks or registered trademarks of their respective companies and are used with the permission of their owners.

Revisions

This document is written and published by Infowave Software, Inc. in Burnaby, B.C. Every precaution has been taken to ensure its accuracy, but if you find an error, please contact us.

Infowave Software, Inc. assumes no responsibility for errors in this document, omissions, or their consequences. The information is subject to change without notice.

Address all comments and requests regarding this document to:

Infowave Software, Inc.
4664 Lougheed Highway, Suite 188
Burnaby, B.C.
Canada V5C 5T5

Tel:	(604) 473-3700
Fax:	(604) 473-3699
Website:	http://www.infowave.com

637 – Symmetry User Guide

GLENAYRE™

Symmetry Home
Product Features
Product Demos
What You Need
Order Online
- What To Expect
- Your Custom Software

Support
Contacts
My Download

Symmetry™
Your wireless link to Outlook®

PAGENET®

ORDER ONLINE

Order and download Symmetry for only $19.95*

PageNet and Glenayre.net are pleased to offer you Symmetry software. Symmetry is PC software that wirelessly connects your PageNet messaging device to Microsoft Outlook e-mail, calendar, task list, address books, and contacts.

For only $19.95, Symmetry will enhance your wireless messaging service to give you continuous access to your Outlook information, using your PageNet device.

Symmetry is pre-configured for your PageNet messaging service. When installing Symmetry, you will be asked to select a device type according to your messaging service. Use the following table to determine which messaging service applies for your device:

Messaging Service	Devices in this messaging service:
Two-Way Plus	PageWriter 2000x, P935, Talkabout T-900, AccessLink II
Two-Way	PageWriter 2000x, AccessLink II
SurePage Plus	AccessMate, PF1500
SurePage	AccessMate, PF 1500
Alphanumeric Service	All one-way Text messaging pagers

If you do not find your current device or service listed, please contact PageNet customer service for details on how to upgrade your service and take advantage of this exciting tool.

For PageNet customer service, send an email to: pn_2way_support@pagenet.com. For additional information on PageNet Services, visit us at www.pagenet.com.

PageNet and the PageNet logo are registered trademarks of PageNet. Some restrictions apply.

STEP 1 / 8

Please confirm that you wish to add the following item(s) to your shopping cart.

G 38

Item	Quantity	List Price (ea.)
Symmetry for PageNet	1	$19.95 *

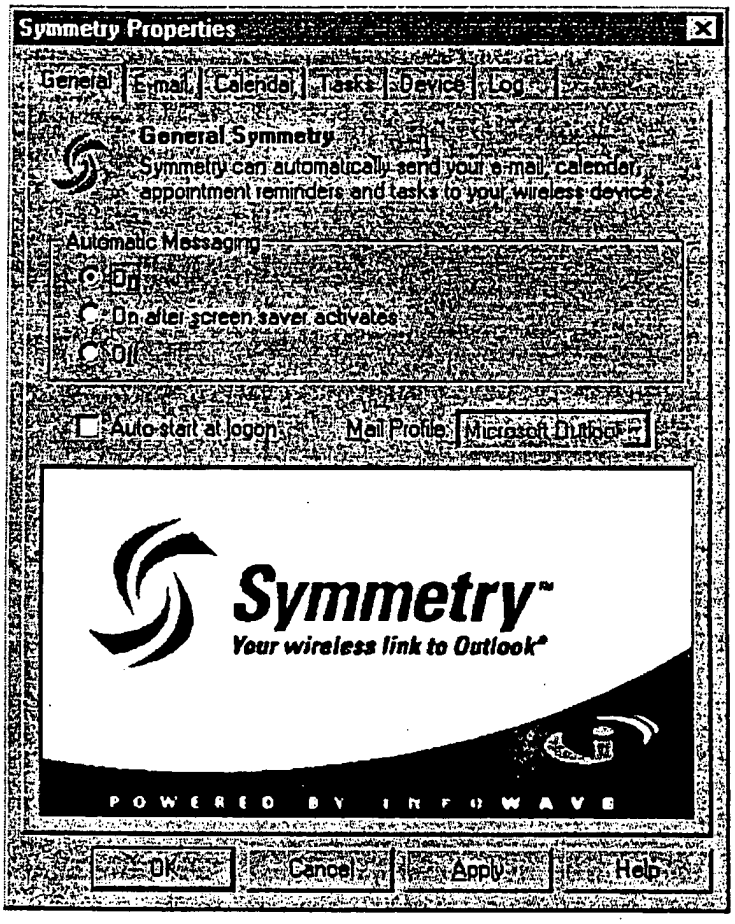
CANCEL REVIEW CART ADD TO CART

* Price does not include discounts or tax.

Privacy Statement
Terms and Conditions

To get to the General tab, open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*) and select General (*Figure 8-1*).

Figure 8-1 The General Tab



Enabling and disabling automatic forwarding

Select one of the following options under Automatic Messaging:

- **On** - Manually enables forwarding.
- **On after screen saver activates** - Symmetry automatically enables forwarding when your screen saver launches itself.
- **Off** - Manually disables forwarding.

(You can also do this through the menu that appears when you right-click the Symmetry icon in the system tray - see *page 4*. If you have a two-way wireless e-mail device, you can do this remotely by sending your desktop computer an e-mail with **on** or **off** in the subject line- see *page 9*.)

640

Preventing Symmetry from automatically starting at logon

After you install Symmetry, it is set up to run automatically each time you start your PC.

Note If you use a laptop computer, you may not want Symmetry to run automatically each time you start your PC. Symmetry requires a continuous LAN connection to your Exchange server, which will not be available when running your laptop disconnected from the network; this can delay the startup of your laptop and cause Symmetry to report errors.

To prevent Symmetry from running automatically:

1. Open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*).
2. Select the General Tab.
3. De-select the check box next to **Auto-start at logon**.

Setting up your mail profile

1. Disable automatic forwarding.
2. Change the contents of your mail profile from Microsoft Outlook (for more information, see your Microsoft Outlook documentation).
3. Shut Symmetry down and restart it through the **Start** button.

9 E-MAIL TAB

Tell Symmetry which e-mail to forward by creating a set of rules in the Conditions fields. (These rules work much the same way as Microsoft Outlook rules that delete your unwanted e-mail before you see it.) Symmetry saves all the rules you create. If you want to disable a rule (rather than delete it), you can uncheck it. Symmetry uses only those rules that have check marks.

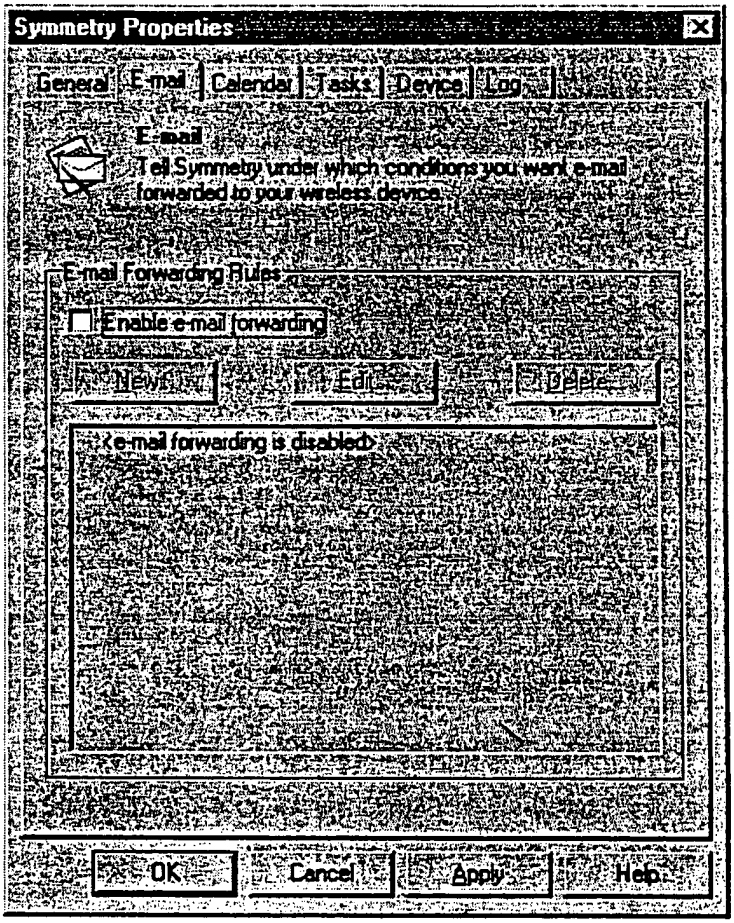
Caution Using both the Outlook Rules Wizard (also known as the "Inbox Assistant" and the "Out of Office Assistant" in various versions of Outlook) can have unpredictable results. You should use one or the other, but not both. Symmetry Rules are easier to use than Outlook Rules and allow you to run the screen saver feature.

If an e-mail meets all the conditions that you specify, Symmetry will forward all or part of it, depending on the options you have selected in your rules (see *page 16*). Symmetry will process the rules in order; if the first rule fails, it will process the second rule, and so on. If all the rules fail, Symmetry will not forward the e-mail.

Note Symmetry does not send e-mail attachments or URLs to the wireless device.

To get to the E-mail tab, open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*) and select E-mail (*Figure 9-1*).

Figure 9-1 E-mail Tab



Enabling automatic e-mail forwarding

1. Select the check box next to **Enable e-mail forwarding**.

G42

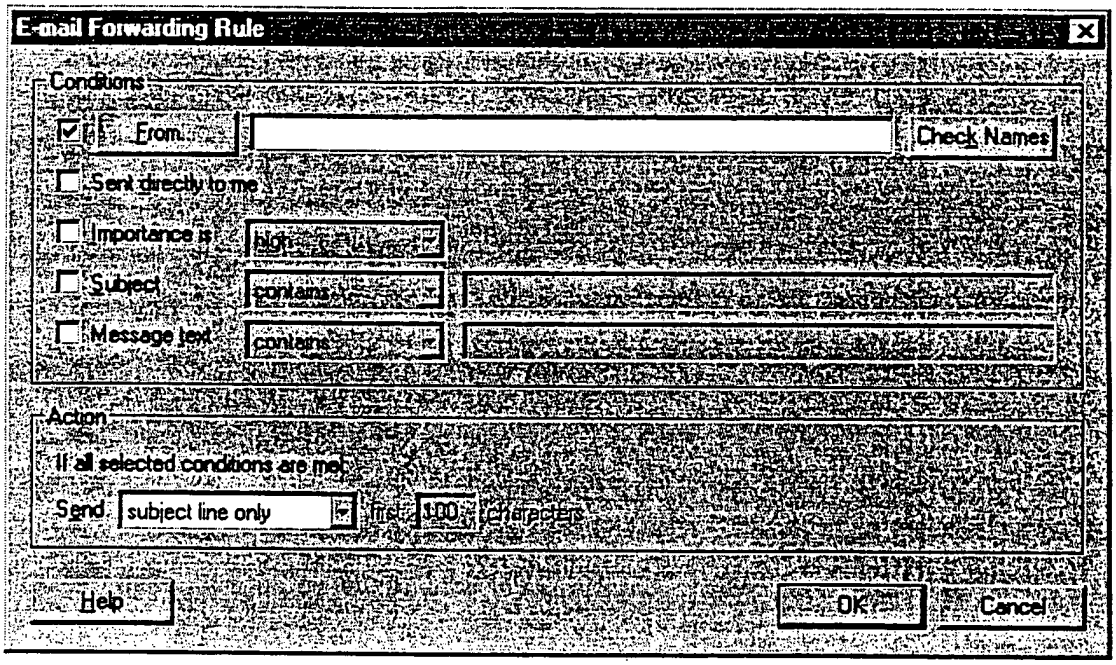
2. Click New to enter new rules or Edit to modify existing rules in the E-mail Forwarding Rule screen (see *Figure 9-2*).

Note If you do not enter rules or do not have any active rules, Symmetry will not forward your e-mail.

Creating a new rule

1. Click the New button. The E-mail Forwarding Rules screen appears.

Figure 9-2 E-mail Forwarding Rule Screen



G 43

2. Specify the **Conditions** under which an e-mail will be forwarded by selecting the check box next to any condition that you want to impose. You can select any or all of the following:

From...	You can require that a certain person sent the e-mail or that one on a list of people sent it. Click the **From** button to open your address book and choose one or more people from there. The **Check Names** button helps you find e-mail addresses in your Outlook address books. You can also type names or e-mail addresses directly into the **From** field.
Sent directly to me	You can require that the e-mail was sent directly to you. If you check this box, Symmetry will not forward e-mail that was sent to you as a member of a mailing list.
Importance is	You can require that the e-mail comes with a certain level of importance. Choose the level from the drop list.
Subject	You can require that the subject of the e-mail contains (or does not contain) a certain phrase. Choose as appropriate from the drop list and type your phrase in the text box next to the drop list.
Message text	You can require that the body of the e-mail contains (or does not contain) a certain phrase. Choose as appropriate from the drop list and type your phrase in the text box next to the drop list.

3. Specify the **Action** that Symmetry will take if all the selected conditions are met. Use the drop list to choose whether to receive the entire message or certain parts of it only.

   Your wireless carrier may not support all these actions. If not, those restrictions will override Symmetry's actions.

   Forwarding only part of the e-mail saves you airtime on your wireless e-mail device.

4. Click **OK** to return to the E-mail tab.

Editing an existing rule

1. Select an e-mail forwarding rule from the E-mail tab.
2. Click the **Edit** button. The E-mail Forwarding Rule screen appears.
3. Change the Conditions or Action as needed, using the information in *Creating a new rule* on *page 16*.

Temporarily disabling an existing rule

An existing rule is active if it has a check mark next to it. To temporarily disable the rule, clear the check box next to the rule by clicking it.

Deleting an existing rule

1. Select an e-mail forwarding rule from the E-mail tab.
2. Click the Delete button.

10 CALENDAR TAB

Depending on the settings you make in the Calendar tab, Symmetry can automatically forward the following from your Outlook calendar to your wireless device:

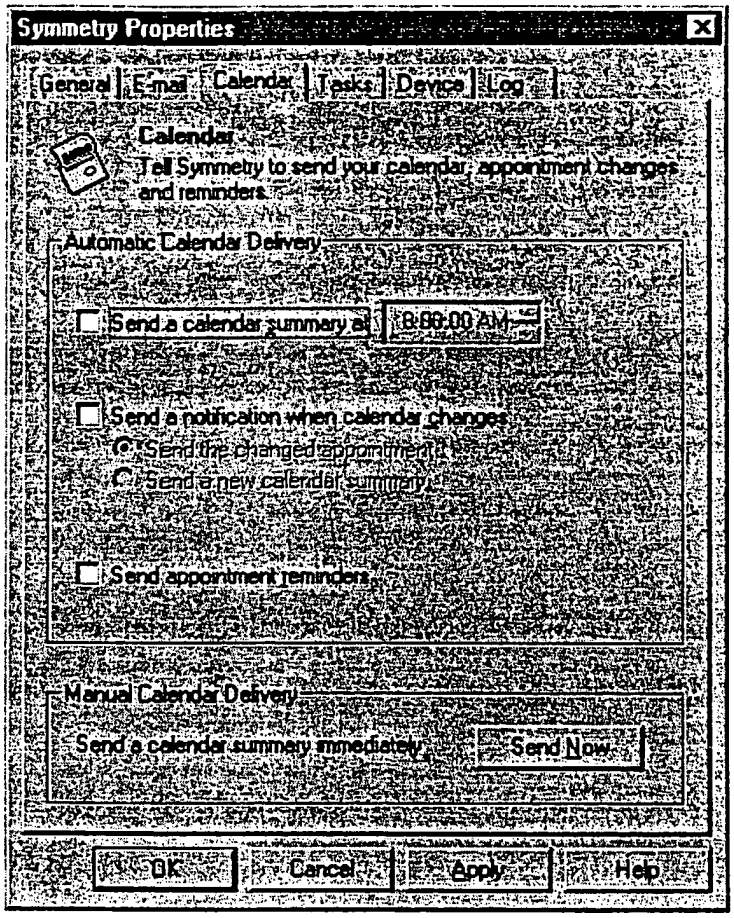
- A summary of the current day's calendar at a specific time each day.
- Immediate notification of any appointment changes (changes only or a new calendar summary).
- Appointment reminders (if Outlook is set up to remind you of appointments).

While you are sitting at your desk you can also use the Calendar tab to forward a copy of your schedule to your device immediately rather than at the scheduled time. (If you request this information remotely, it will also be forwarded immediately. See *page 9*.)

If your calendar is empty, Symmetry will not send a summary, thus saving you airtime on your wireless device.

To get to the Calendar tab, open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*) and select Calendar (*Figure 10-1*).

Figure 10-1 Calendar Tab



Configuring the Calendar tab to send information automatically

Select the calendar delivery options you want. Your options are:

- Send a calendar summary at the time you select in the spin box.
- Send a notification when calendar changes:
  - Send the changed appointment
  - Send a new calendar summary
- Send appointment reminders

Configuring the Calendar tab to send information manually

Click the Send Now button next to send a calendar summary immediately.

G 46

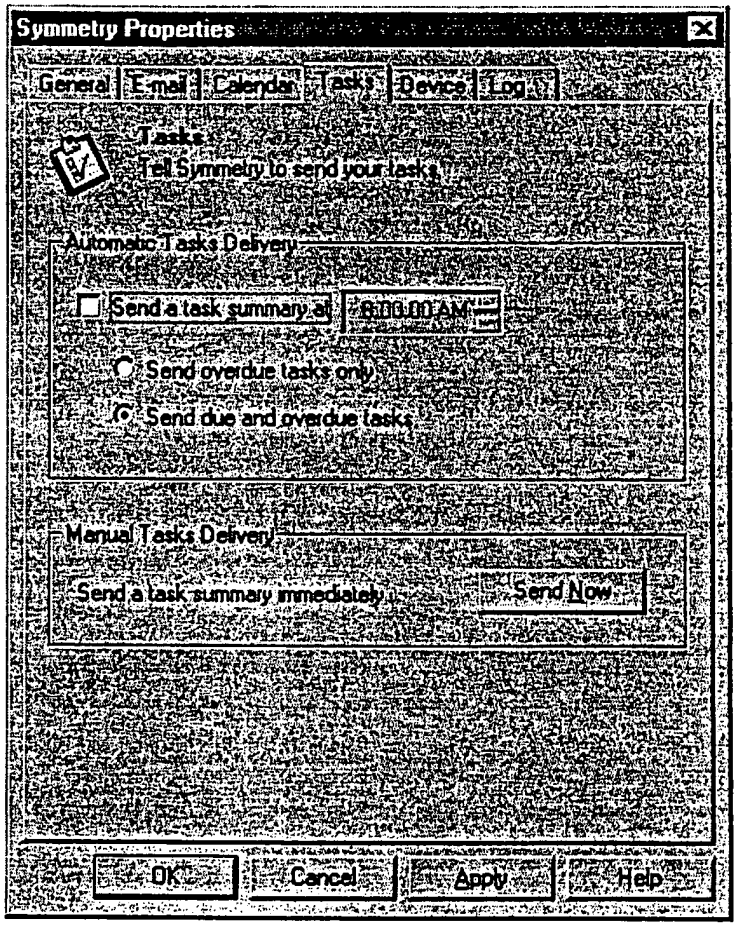
11 TASKS TAB

Microsoft Outlook maintains a task list for you. Symmetry can forward a summary of this list to your wireless device at a specific time each day. If you enable this option, you can select whether this summary includes overdue tasks only or both due and overdue tasks.

While you are sitting at your desk you can also use the Tasks tab to forward a copy of your tasks list to your device. (If you request this information remotely, it will also be forwarded immediately. See *page 8.*) If your tasks list is empty, Symmetry will not send a summary, thus saving you airtime on your wireless device.

To get to the Tasks tab, open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*) and select Tasks (*Figure 11-1*).

Figure 11-1 Tasks Tab



powered by INFOWAVE

647

Configuring the Tasks tab to send information automatically

If you want Symmetry to send you a summary of your Outlook Tasks list:

1. Select the check box next to **Send a task summary** at.
2. Use the spin box to select the time you want to receive the summary.
3. Choose between:
   - **Send overdue tasks only** (if you have a long tasks list, you may want to select this option to save airtime).
   - **Send due and overdue tasks.**

Configuring the Tasks tab to send information manually

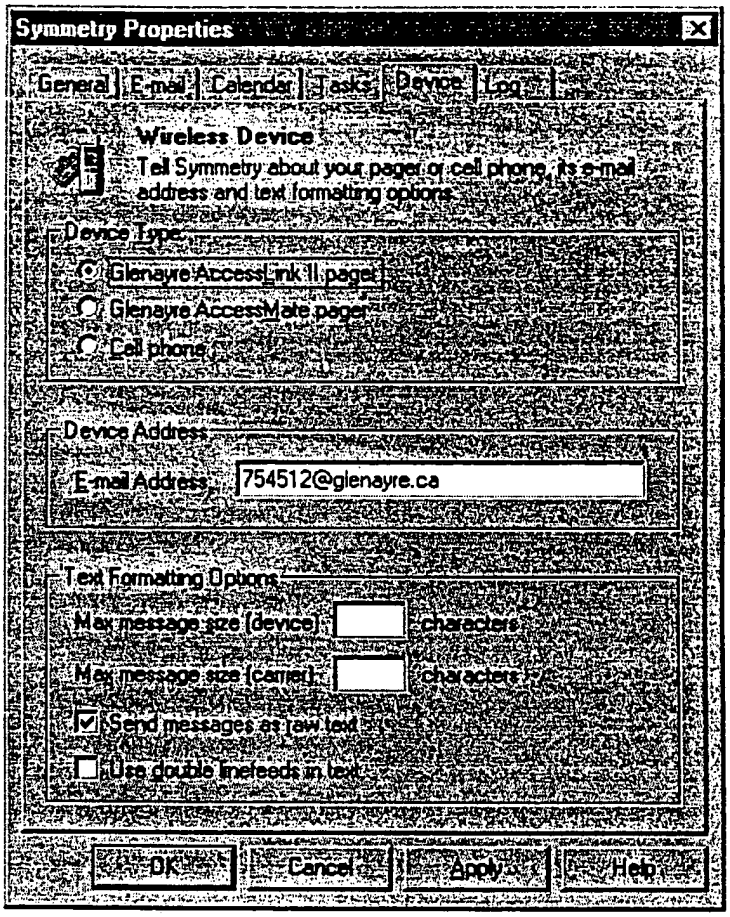
Click the **Send Now** button next to send a task summary immediately.

12 DEVICE TAB

Symmetry needs to know some technical details about your wireless e-mail device and your wireless carrier to correctly format the messages it forwards. To change the information that you entered when you first installed Symmetry, use the Device tab. The appearance of this tab may be different for various devices.

To get to the Device tab, open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*) and select Device (*Figure 12-1*).

Figure 12-1 Device Tab



powered by
INFOWAVE

G 49

Configuring the Device tab

Change the following entries as needed. If your wireless carrier has preconfigured any of these options, they may not be visible.

Device Type	To correctly format the messages it sends to your device, Symmetry needs to know if it is a pager or cell phone.
Device Address	This is the e-mail address for your device. Symmetry will respond to remote commands from this address.
Text Formatting Options	The size of the message that Symmetry forwards may be limited by your device or your wireless carrier. If so, enter the maximum number of characters that your device and/or carrier will support, and Symmetry will respect these limits by truncating messages as necessary. If your carrier supports raw text, you may want Symmetry to forward messages as raw text to save airtime. If you receive e-mails with bad line breaks, your wireless carrier may require that Symmetry send two line-feed characters at the end of each line.

13 LOG TAB

Symmetry maintains a log of all the e-mail, calendars, appointment reminders, task lists, and address book searches it forwards to your wireless e-mail device. The log allows you to verify your wireless carrier's bill. You can review these statistics through the Log tab.

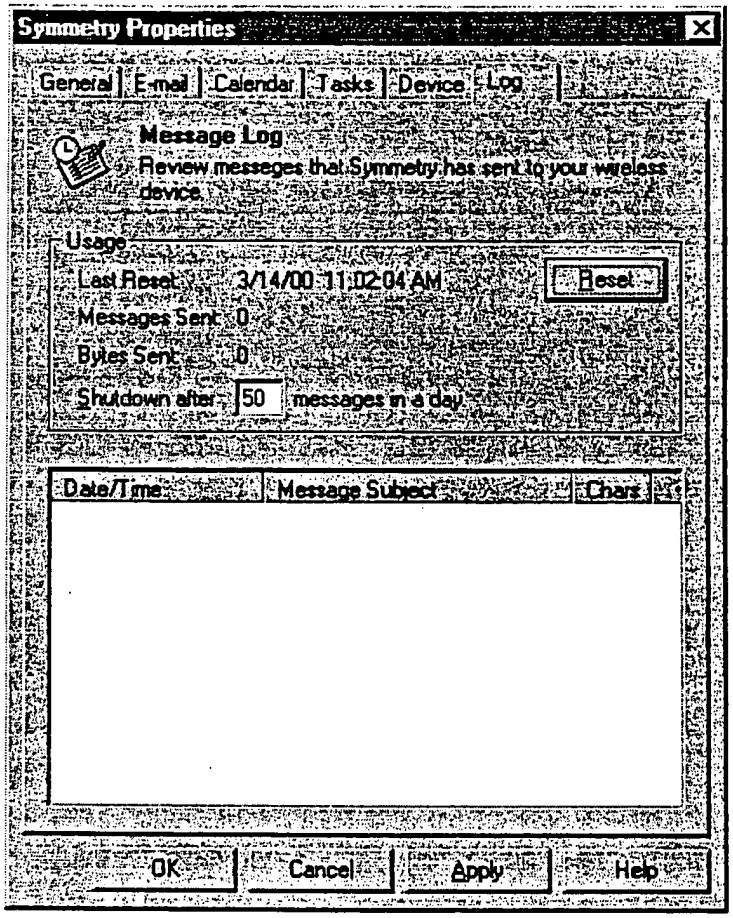
After sending a certain number of messages to your wireless device, as specified in the `Shutdown after x messages a day` setting (see *Figure 13-1 Log Tab*), Symmetry disables automatic forwarding and will not respond to remote commands. A large number of messages could indicate that you need to modify a forwarding rule; Symmetry disables itself to save you airtime while you analyze the cause for the heavy traffic volume.

You can turn automatic forwarding on again in the General tab or through the menu that appears when you right-click the Symmetry icon in the system tray. It will not restart automatically or remotely.

The Shutdown after x messages a day feature resets at midnight. You can manually reset the feature by shutting down Symmetry and then restarting it.

To get to the Log tab, open the Symmetry Properties window (see *Customizing Symmetry's Settings* on *page 7*) and select Log (*Figure 13-1*).

Figure 13-1 Log Tab



powered by INFOWAVE

651

14 QUICK REFERENCE

How to do this task	From your Desktop	Remotely
Run Symmetry manually	• Start button • Icon on desktop or on Outlook tool bar	
Run Symmetry automatically when you log on	Icon ➤ Symmetry Properties ➤ General ➤ Auto-start at logon	
Shut down Symmetry	Right-click icon in task bar and select **Shut Down**	
Manually enable forwarding	Icon ➤ Symmetry Properties ➤ General ➤ Automatic Messaging ➤ On	Send an e-mail from your device to your desktop PC e-mail address with **on** as the subject.
Manually disable forwarding	Icon ➤ Symmetry Properties ➤ General ➤ Automatic Messaging ➤ Off	Send an e-mail from your device to your desktop PC e-mail address with **off** as the subject.
Set up mail profile	Icon ➤ Symmetry Properties ➤ General ➤ Mail Profile	
Enable e-mail forwarding	• Icon ➤ Symmetry Properties ➤ E-mail ➤ Enable e-mail forwarding • Set up e-mail forwarding rules (see next entry)	
Create, edit, delete, or disable e-mail forwarding rules	Icon ➤ Symmetry Properties ➤ E-mail ➤ New/Edit/Delete ➤ Conditions (*various*) ➤ Action ➤ Send (*various*)	
Automatically forward calendar summary	Icon ➤ Symmetry Properties ➤ Calendar ➤ Send calendar summary at	
Manually forward calendar summary (immediate delivery)	Icon ➤ Symmetry Properties ➤ Calendar ➤ Send now	Send your desktop PC an e-mail from your device with **c** as the subject.
Automatically forward calendar changes	Icon ➤ Symmetry Properties ➤ Calendar ➤ Send a notification when calendar changes	
Automatically forward appointment reminders	Icon ➤ Symmetry Properties ➤ Calendar ➤ Send appointment reminders	
Automatically forward tasks list	Icon ➤ Symmetry Properties ➤ Tasks ➤ Send a task summary at	
Manually forward tasks list (immediate delivery)	Icon ➤ Symmetry Properties ➤ Tasks ➤ Send now	Send your desktop PC an e-mail from your device with **t** as the subject.
Change information about wireless device	Icon ➤ Symmetry Properties ➤ Device ➤ Device Type/Device Address/Text Formatting Options	
Display usage statistics	Icon ➤ Symmetry Properties ➤ Log	
Forward contact information for ***name*** from Outlook address book		Send your desktop PC an e-mail from your device with **f** ***name*** as the subject.

G 52

15 TIPS FOR SAVING AIRTIME

Symmetry conserves airtime by not forwarding empty calendars or task lists at the scheduled time. It also automatically disables itself when a certain number of messages have been sent. If your review of the Log tab indicates that you have unnecessarily heavy traffic, you may want to consider revising some of your forwarding rules. Ways to minimize airtime when using Symmetry include:

- Disable automatic forwarding or use the "On after screen saver activates" feature while you are at your desk (see *General Tab* on *page 12*).
- Forward only part of your e-mail messages (see *step 3* on *page 17*).
- Configure Symmetry to send only overdue tasks if you have a long tasks list (see *Configuring the Tasks tab to send information automatically* on *page 21*).
- Configure Symmetry to send only calendar changes rather than an entire new summary (see *Configuring the Calendar tab to send information automatically* on *page 19*).
- Forward messages as raw text if your wireless carrier supports raw text (see *Text Formatting Options* on *page 23*).
- Make `f` *name* searches for contact information as specific as possible (see *Accessing Symmetry Remotely* on *page 8*).

If you would like more detailed instructions or troubleshooting advice, visit http://www.getsymmetry.com.

INDEX

A

About Symmetry (system tray menu) *4*
Action (E-mail Forwarding Rule screen) *17*
address books, Outlook *9*
airtime, saving *6, 12, 17, 20, 23, 26*
appointment changes and reminders *7, 18- 19*
attachments, e-mail *15*
automated functions *7*
automatic forwarding *1, 5- 7, 9, 26*
Auto-start at logon *6, 14*

C

c (remote command) *9*
calendar summaries and changes *7, 9, 18- 19*
Calendar tab *8, 18- 19*
calendars, empty *18*
cell phones *1, 23*
characters, line-feed *23*
Conditions (E-mail Forwarding Rule screen) *17*

D

Device Address (Device tab) *23*
Device tab *8, 21- 23*
Device Type (Device tab) *23*
devices, wireless *1, 3, 8*

E

Edit (E-mail tab) *16, 17*
e-mail address, device *23*
e-mail attachments *15*
E-mail Forwarding Rule screen *16- 17*
e-mail rules, disabling and deleting *18*
E-mail tab *8, 14- 18*
Enable e-mail forwarding (E-mail tab) *15*
exiting Symmetry *6*

F

f name (remote command) *9, 26*
forwarding, automatic *1, 5- 7, 9, 26*
forwarding, manual *5- 7, 18- 19, 20- 21*
From... (E-mail Forwarding Rule screen) *17*
functionality *1*

G

General tab *6, 7, 12- 14*

H

hardware, system requirements *2*

I

icons *4- 7*
Importance is (E-mail Forwarding Rule screen) *17*
Inbox Assistant *14*
installing Symmetry software *3*

L

LAN connection *3, 6, 14*
laptop computer, using with Symmetry *6, 14*
line-feed characters *23*
Log tab *8, 23- 24*

M

mail profile *12, 14*
manual forwarding *5- 7, 18- 19, 20- 21*
message size *23*
Message text (E-mail Forwarding Rule screen) *17*

N

New (E-mail tab) *16- 17*

O

Off (General tab) *13*
off (remote command) *9*
Off (system tray menu) *5*
On (General tab) *13*
on (remote command) *9*
On (system tray menu) *4*

654

On after screen saver activates (General tab) *13*
On After Screen Saver Activates (system tray menu) *5*
Open Symmetry (system tray menu) *4*
Out of Office Assistant *14*
Outlook, system requirements *2*

P

pagers *1, 23*
personal digital assistants *1*

Q

quick reference *25*

R

raw text *23, 26*
remote commands *7, 8- ??, 23*
Rules Wizard, Outlook *14*
rules, e-mail forwarding *14- 18*
rules, forwarding *23*
running Symmetry *5*

S

screen saver feature *2, 5, 7, 14*
Send a calendar summary at (Calendar tab) *19*
Send a new calendar summary (Calendar tab) *19*
Send a notification when calendar changes (Calendar tab) *19*
Send a task summary at (Tasks tab) *21*
Send appointment reminders (Calendar tab) *19*
Send due and overdue tasks (Tasks tab) *21*
Send Now (Calendar tab) *19*
Send Now (Tasks tab) *21*
Send overdue tasks only (Tasks tab) *21*
Send the changed appointment (Calendar tab) *19*
Sent directly to me (E-mail Forwarding Rule screen) *17*
servers, system requirements *3*
Setup wizard *3*
Shutdown after x messages a day (Log tab) *23*
Shutdown Symmetry (system tray menu) *5, 6*
software, system requirements *2*
Start button *5*
starting Symmetry *5*
Subject (E-mail Forwarding Rule screen) *17*
Symmetry Properties window
    Calendar tab *19*
    Device tab *22*
    E-mail tab *15*
    General tab *13*
    Log tab *24*
    opening *4, 7*
    overview *7- 8*
    Tasks tab *20*
SymSetup.exe *3*

system requirements *2- 3*
system tray icon and menu *4- 7, 13*

T

t (remote command) *9*
tabs
Calendar *18- 19*
Device *21- 23*
E-mail *14- 18*
General *12- 14*
Log *23- 24*
overview *7- 8*
Tasks *20- 21*
tasks list, empty *20*
tasks summaries *7, 9, 20*
Tasks tab *8, 20- 21*
Text Formatting Options (Device tab) *23*
troubleshooting *2, 26*

U

URLs *2, 15, 26*

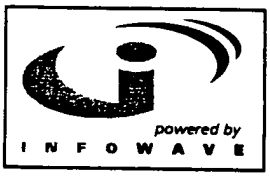
V

version of Symmetry, finding *4*

W

website *2, 26*
Windows, system requirements *2*
wireless devices *1, 3, 8*

G 56



Symmetry User Guide
9110.01390
Revision 1.0
March 31, 2000

Infowave
4664 Loughheed Highway, Suite 188
Burnaby, B.C.
Canada V5C 5T5

Tel: (604) 473-3700
Fax: (604) 473-3699
Website: http://www.infowave.com

GLENAYRE™

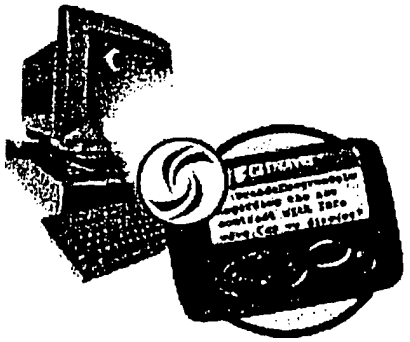
Symmetry Home
Product Features
- What is Symmetry?
- Feature Summary
- Unique Benefits

Product Demos
What You Need
Order Online
Support
Contacts
My Download

SEARCH

Symmetry™
Your wireless link to Outlook®

Special features



Screen Saver Activation
Many times, you're called away from your desk unexpectedly. To ensure you never miss a message, activate the Symmetry screen saver option and Symmetry will automatically turn on when your screen saver is activated. When you return to your desk, you can turn Symmetry off to save air time on your wireless device.

Remote Control
Use your two-way interactive wireless device to turn Symmetry forwarding on or off. Request real-time calendar, task or contact information from your wireless device. See device commands.

Message Log
Symmetry maintains a log of all the e-mail, calendar, meeting reminders, tasks, and address book searches it has sent to your wireless device. The log allows you to verify your service invoice from your wireless device carrier.If your monthly wireless service invoice is based on a per message or character usage, we recommend that you monitor the Symmetry log on a daily basis when first using Symmetry (by accessing the Symmetry Properties Log tab). This will give you an indication of whether you need to refine your Symmetry forwarding rules to reduce the number of messages Symmetry is forwarding to your device. Click here for tips to save airtime.

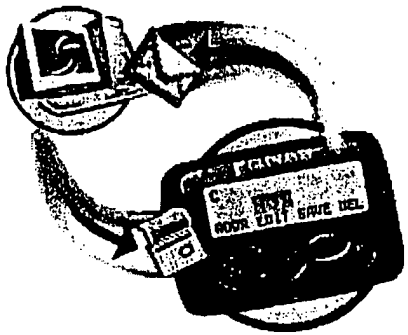
- overview
- e-mail
- calendar
- reminders
- task list
- address book
- special features
- device commands

659

G 60

Symmetry™
Your wireless link to Outlook®

Device Commands



Accessing Symmetry Remotely
If you have a two-way wireless device, you can control Symmetry from your wireless device and have real-time access to your Outlook information when you need it. From your two-way wireless device, send these commands as a message to your desktop e-mail address, and Symmetry will immediately forward the information to your wireless device:

Device Command	What it does
c	Forward today's calendar
t	Forward today's task list
f name	Forward the address book or contact listing for "name"*
off	Switch Symmetry off
on	Switch Symmetry on

- overview
- e-mail
- calendar
- reminders
- task list
- address book
- special features
- device commands

* For address book searches, you may enter the name in any form; first, last, first and last, or partial names

For contact record searches, you may enter the person's first or last name. If entering the person's full name, you must enter the name exactly how it appears in the contact file. For example, if the name is filed as "Smith, John" then the search name must be exactly entered as "f smith, john" (including the comma and the

as "Smith, John" (including the comma and the space between the first and last name).

●●●

B

NotifyLink

Imagine a wireless solution that will ***Link*** to your email, ***Link*** to your contacts, ***Link*** to your tasks and calendar, and still clip to your hip.

Not Possible? Welcome to NotifyLink! The Link You Have Been Waiting For!

What is NotifyLink?

NotifyLink is a family of software products that will provide users with wireless access to their email, calendar, contacts, tasks, and files while using a variety of wireless 2way devices.

Which NotifyL
is Right for Y
Click Here!

The NotifyLink family currently consists of the following three product categories:

- *Internet Edition*
- *Desktop Edition - Standard and Professional*
- *Enterprise Server Edition*

NotifyLink Internet Edition is a hosted service designed for the individual who typically dials into their ISP to manage their email account. This service links users to their existing "Dial-Up" Internet email accounts, from a variety of wireless 2way devices.

NotifyLink Desktop Edition - Standard and Professional is a software application that is installed on your PC and onto your wireless device when applicable. These products are designed for personal computers with an "Always-On" connection to the Internet. The NotifyLink Desktop Edition provides synchronized, encrypted, wireless access to a business user's email, calendar, contacts, and files.

Coming Soon... The Enterprise Edition! The NotifyLink Enterprise Edition provides the same features as the Desktop Edition, however the Enterprise Edition operates on a centralized server and is designed for an environment where the Desktop Edition solution is not appropriate.

All NotifyLink software and services support a variety of 2way devices such as the Motorola Talkabout® T900, Motorola Timeport™ P935

The NotifyLink family of solutions provide consumers and business users with a convenient way to communicate and access important information in today's increasingly mobile world.

NotifyLink is for Users Who Want:

- Mobile access to their "Dial-Up" business and personal email
- Mobile access to their "Always-On" business and personal email
- Mobile access to their calendar, contacts, tasks, and files

Internet Edition

Stop Logging-on and checking multiple email accounts. Just clip it to your hip... And your existing email will find y

Not Possible? Welcome to NotifyLink!

Internet Edition

The NotifyLink Internet Edition-Standard Version hosted service provides users with a convenient way to interact with their email wirelessly, while they are mobile.

Now, users may read, compose, reply, forward, and delete messages from their wireless 2way device, while maintaining their existing email addresses and mailboxes. Users may also control which email messages are forwarded to their 2way device by setting email filters that monitor key words found in an email subject or body as well as filtering based on the sender's email address.

NotifyLink Internet Edition-Standard Version is a hosted service designed for the individual who typically dials into their ISP to manage their email account. This service links users to their existing "Dial-Up" Internet email accounts, from a variety of wireless 2way devices.

For Documentation & More Information...

Features of Internet Edition

- Remote Access for existing "Dial-Up" Internet email accounts (up to six)
- Hosted Service for mobile email notification and management
- Eliminate the inconvenience of a separate mobile email address using existing email accounts
- Compose, Read, Reply to, Forward, and Delete email while mobile from multiple 2way devices
- Check for new email on demand
- Emails Sent from Your 2way Device Will be Copied to Your Inbox
- Compatible With Many ISPs & Email Providers Including AOL, Yahoo, AT&T Worldnet, Earthlink, Hot
- Powerful filtering lets you control which email is forwarded to your 2way device
- Easily customize the size and appearance of the email forwarded to your 2way device
- Checks for new email hourly
- Web Based User Interface for registration and configuration

Supported Devices

- Motorola Talkabout® T900 2way
- Motorola Timeport™ P935 Personal Interactive Communicator
- Motorola Pagewriter® 2000x 2way

For Details on Supported Devices...

Desktop Edition
Standard & Professional

No one would ever know you responded to all your emails, managed your tasks, and closed the deal, all from the back-9

Not Possible? Welcome to NotifyLink!

Desktop Edition

The NotifyLink Desktop Edition—Standard and Professional, offer users a virtual real-time wireless connection to their existing desktop based critical data: email, calendar, contacts, tasks, files.

The NotifyLink Desktop Edition—Standard and Professional, enables users to conveniently access and manage this critical data from a variety of 2way devices, while they are mobile.

NotifyLink Desktop Edition—Standard and Professional, software has been designed for a Windows-based PC that has an "Always-On" connection to the Internet.
These desktop packages support the following PC operating environments, Windows 9x, NT, 2000, ME. The packages also support the following popular email applications, Outlook 97, Outlook 98, Outlook 2000, Outlook Express 4.0 or higher, Netscape Messenger, Eudora Lite and Pro.

For Documentation & More Information...

Features

Desktop Standard

- Remote Access to your existing desktop email accounts (up to six)
- Eliminate the inconvenience of a separate mobile email address
- Compose, Read, Reply to, Forward, and Delete email while mobile from multiple 2way devices*
- Easily customize the size, appearance, and content of emails forwarded to your 2way device
- Powerful filtering lets you control which email is forwarded to your 2way device
- Supports a variety of email commands
- Supports Outlook, Outlook Express, Netscape, Eudora
- Synchronizes with your PC email wirelessly
- Designed for the "Always-On" PC running Windows 95, 98, 2000, ME, NT, etc.
- Supports secure, end-to-end, encryption when used with the Motorola Timeport™ P935
- Software Installed on your PC and specific 2way devices

Desktop Professional

- Remote Access to your existing desktop email accounts (up to six)
- Eliminate the inconvenience of a separate mobile email address
- Compose, Read, Reply to, Forward, and Delete email while mobile from multiple 2way devices*
- Easily customize the size, appearance, and content of emails forwarded to your 2way device
- Powerful filtering lets you control which email is forwarded to your 2way device
- Supports a variety of email commands
- Supports Outlook, Outlook Express, Netscape, Eudora
- Synchronizes with your PC email wirelessly
- Designed for the "Always-On" PC running Windows 95, 98, 2000, ME, NT, etc.
- Supports secure, end-to-end, encryption when used with the Motorola Timeport™ P935
- Software Installed on your PC and specific 2way devices
- Remote Access and Management of your Desktop Calendar, Contacts, Tasks, and Files
- Synchronizes with your PC email, Calendar, Contacts, and Tasks
- Mobile File Management and File Commands

Supported Devices

- Motorola Talkabout® T900 2way
- Motorola Timeport™ P935 Personal Interactive Communicator
- Motorola Pagewriter® 2000x 2way

For Details on Supported Devices...

Note: NotifyLink Desktop Edition-Standard and Professional Version is branded under the name: Motorola MyMail

MOTOROLA MyMail

www.motorola.com

Enterprise Edition

When you are away from your desk, maintain secure synchron access to your email, calendar, contacts, tasks, and files.

Not Possible? Welcome to NotifyLink!

Enterprise Edition... Coming Soon!

NotifyLink Enterprise Edition offers the corporate user with a virtual real-time wireless connection to their corporate desktop based critical data: email, calendar, contacts, tasks, files.

Today, corporations need an effective way to connect to their increasingly mobile workforce: outside sales representatives, telecommuters, traveling executives, evening-at-home workers, etc. This need creates a challenge linking the corporate individual to their corporate email, calendar, contacts, other task-management applications, and critical files that reside on their corporate server, or on the user's desktop PC. With the ***NotifyLink Enterprise Edition***, corporations will easily link to their mobile workforce via a variety of 2way ReFLEX devices

As companies face the challenges of providing mobile and wireless access to critical business applications and data, Notify Technology has designed the ***NotifyLink Enterprise Edition*** solution, as an easy to install extension, to an existing corporate Microsoft Exchange or Lotus Domino groupware solution.

NotifyLink Enterprise Edition has been designed for corporations that need a secure centralized solution for wireless access and management of critical business data for their mobile users.

The ***NotifyLink Enterprise Edition*** solution will support secure access from the most popular mobile devices—including PDAs, and 2way devices across a variety of networks, including ReFLEX 25 and 50, GPRS, CDMA and CDPD.

For Documentation & More Information...

Supported Devices

- Motorola Talkabout® T900 2way
- Motorola Timeport™ P935 Personal Interactive Communicator
- Motorola Pagewriter® 2000x 2way

For Details on Supported Devices...

Partners Program

The following is a Directory of Links to Wireless and Paging Service Providers and product resellers that are compatible with the NotifyLink Service.
Please Note: NotifyLink will be branded under another name based upon carrier.

If you are interested in purchasing a 2way Device, or Sign-up for wireless services, simply find the listing below, click on the appropriate box and you will link directly to that company's website.

Just Click & Go

http://www.motorola.com
Click Here to link directly with The Motorola store.
Note: NotifyLink Desktop Edition-Standard and Professional is branded under the name:Motorola MyMail

MOTOROLA MyMail

http://www.arch.com
Click Here to order Arch Wireless Products and Services

Arch net@hand

http://www.metrocall.com
Click Here to order Metrocall Wireless Products and Services

METROCALL
AMERICA'S WIRELESS NETWORK

http://www.pagenet.ca
Click Here to order PAGENET Canada Products and Services

PAGENET

http://www.skytel.com
Click Here to order Skytel Wireless Products and Services

SKYTEL
A WorldCom Company

http://www.verizon.com
Click Here to order Verizon Wireless Products and Services

verizon wireless

http://www.weblinkwireless.com
Click Here to order Weblink Wireless Products and Services

WebLink WIRELESS

Notify Technology
1054 South De Anza Blvd, Suite 105
San Jose, California 95129 Fax 408.996.7405
sales@notifycorp.com

NotifyLink Supported Devices

NotifyLink Supports the following Reflex Devices.
Each of which gives you're the freedom to roam anywhere and still stay in touch.

Click on a device below, to find out more about how NotifyLink works with that device.

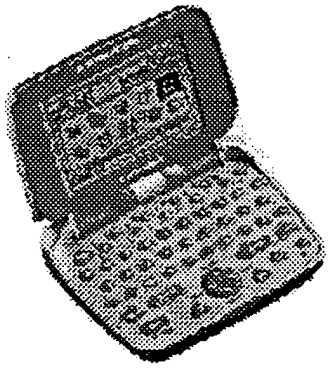
To Buy one of these devices please go to our *"How to Buy Directory"* to link directly to each carrier.

With NotifyLink
"In Touch Technol
Just Clip it to Your Hip

Click the Image Below For more Details:

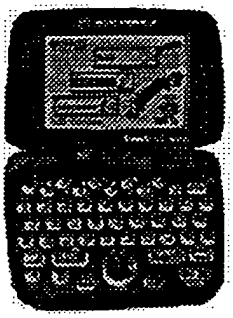
Talkabout® T900 2wa

Click the Image Below For more Details:



Timeport™ P935 PIC

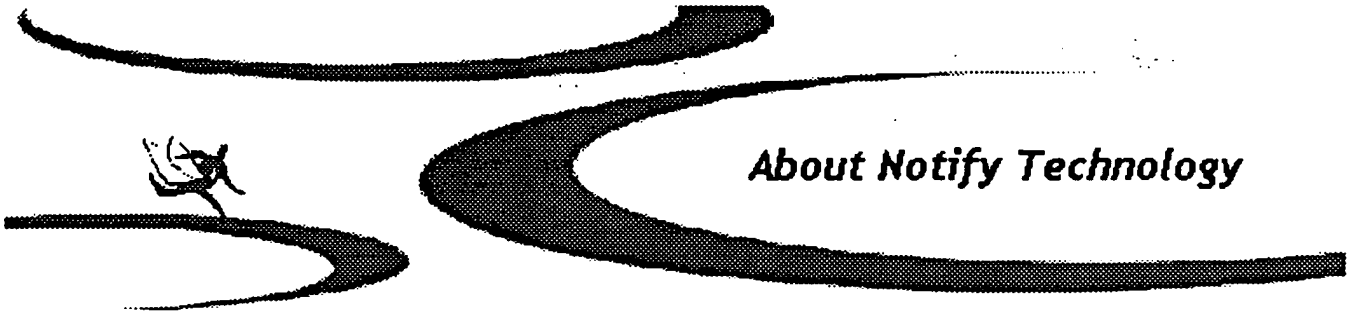
Click the Image Below For more Details:



PageWriter® 2000x 2w

Contact Us !
For Questions Or
Additional Information

Notify Technology
1054 South De Anza Blvd, Suite 105
San Jose, California 95129 Fax 408.996.7405
sales@notifycorp.com



About Notify Technology

Notify Technology Corporation was incorporated in the State of California in August 1994. We are innovative communications application service provider of wireless and wireline messaging services. also a supplier of innovative call and message notification products and services and currently sell our products through OEM relationships with major telephone companies, telephone equipment distrib Internet service providers and two-way wireless service providers.

The Company was founded to create better methods and technologies for notification in the telepho marketplace. Notify was first known for its Voice Mail visual notification products when automated detection technology was first approved for use by the FCC. Notify went on to invent and patent its Multi-Sensing technology allowing universal notification detection still required today. In early 1999 Notify launched its caller-ID product line that earned it several CES Innovation Awards. Notify's pr over the years have enhanced telephone services offering such as Voice Mail, Caller ID, Call Waiting, Calling and Call Waiting-Caller ID. The year 2000 saw the introduction of email notification produc wireline telephones where the user could be notified of new email messages including the sender and without going on-line.

Late in 1999, Notify began to design a wireless software architecture that would become the basis of i NotifyLink product family. The goal was to develop a solution for the paging carriers to help transit large portion of their 30 million one-way paging subscribers to two-way messaging subscribers. The carriers have created a 2-way network that spans from Canada to Mexico. Notify has created a produ allows users to receive, reply, forward and erase email sent to users regular email accounts via their w device.

Notify continues to provide products that provide greater access to services being offered by telepho companies and wireless carriers.

Notify Technology
1054 South De Anza Blvd, Suite 105
San Jose, California 95129 Fax 408.996.7405
sales@notifycorp.com

Documentation & Detailed Information

The following is a list of detailed information about each NotifyLink Product Edition.

Internet Edition

- NotifyLink Frequently Asked Questions
- Internet Edition User's Guide
- Quick Reference Guide to Features
- NotifyLink Feature Comparison
- Internet Edition Data Sheet

Desktop Edition–Standard

- NotifyLink Frequently Asked Questions
- Desktop Edition-Standard Version User's Guide Talkabout ® T900
- Desktop Edition-Standard Version User's Guide Timeport™ / Pagewriter
- Quick Reference Guide to Features
- NotifyLink Feature Comparison
- Desktop Edition-Standard Version Data Sheet
- Desktop Edition-Standard & Professional Version White Paper

Desktop Edition–Professional

- NotifyLink Frequently Asked Questions
- Desktop Edition-Professional Version User's Guide Talkabout ® T900
- Desktop Edition-Professional Version User's Guide Timeport™ / Pagewriter
- Quick Reference Guide to Features
- NotifyLink Feature Comparison
- Desktop Edition-Professional Version Data Sheet
- Desktop Edition-Standard & Professional Version White Paper

NotifyLink Standard Internet Edition

Glossary of Terms

View the NotifyLink Glossary of Terms.

Troubleshooting

View the NotifyLink Troubleshooting Guide.

Frequently Asked Questions

1. What is NotifyLink?
2. Why should I use NotifyLink?
3. What is the main functionality of NotifyLink?
4. Why do I need to use NotifyLink when my wireless device can receive email?
5. Does NotifyLink work with other wireless devices?
6. Which email systems does NotifyLink software support?
7. Can I keep my existing email account?
8. Can I still check my email messages from the Web?
9. Can I still send email using my wireless device's unique PIN based email account?
10. What email operations can I perform?
11. Can I view email attachments on my wireless 2-way messaging device?
12. What email addresses will messages sent from my wireless 2-way messaging device use?
13. Can I send attachments using my wireless 2-way messaging device?
14. Can I keep copies of the messages I send?
15. What does a typical NotifyLink Notification consist of?
16. Do I get all of each message, or just part of it?
17. I'm worried about incurring excessive airtime charges. Can I filter the messages that I receive on my wireless device?
18. What is the difference between a Block and a Filter?
19. Is it possible to receive a virus on my wireless 2-way messaging device?
20. What are the software and hardware requirements for NotifyLink software?
21. Does my computer need to be running for NotifyLink to work?

What is NotifyLink?

NotifyLink is a network application that acts like a remote control for your internet email, giving you the freedom to manage your messages from any location. NotifyLink is powered 2-way wireless network, which integrates with your internet email application to handle the routing of your email messages to your 2-way.

Designed to work with both corporate and personal email systems, NotifyLink, enables you to perform various functions, such as compose, read, reply to, and forward email messages using your 2-way. NotifyLink allows you to react quickly. Messages are forwarded to your 2-way as frequently as once an hour.

Replies can be sent from your 2-way with your internet email address just as if they were sent from your web-based email application - eliminating the confusion of separate internet and mobile email addresses. Using a single email address, you can receive email messages both in your internet mailbox and on your 2-way.

With NotifyLink, you decide which messages you want to see. To help reduce your airtime costs, you can filter which messages are sent to your 2-way. You can even control how much of an email message is sent. If you want to see more of a message, you can request additional text or you can wait until you login to your email account to read the entire message.

An advantage NotifyLink has over other wireless email applications is that it provides you with a copy of the messages you send on your internet email server. Handling attachments is also a snap. NotifyLink will advise you of the name of any attached files when you receive an email message. You can forward the message including the attachment from your 2-way.

Top

Why should I use NotifyLink?

NotifyLink enables people on the go to make the most of their most precious resource: time.

- Keeps you in touch with friends, family and co-workers while you are on the go.
- Extends the power of your email to your 2-way.
- Offers economical and simple-to-use wireless email extension.
- No need for both office and remote email addresses.
- No need for a bulky laptop computer, if all you are going to use it for is remote access to your email.
- Enhances the value of your wireless 2-way messaging device.

Top

What is the main functionality of NotifyLink?

NotifyLink This allows you to keep up with your email account while away from your computer, keeping you in touch with friends, family and co-workers.

Top

Why do I need to use NotifyLink when my wireless device can receive email?

With NotifyLink, you can send and receive email messages using your existing email address.

Top

Does NotifyLink work with other wireless devices?

NotifyLink works with a variety of wireless 2-way messaging devices, including Motorola®'s T900, Timeport, and Pagewriter 2000x.

Top

Which email systems does NotifyLink software support?

NotifyLink will support all POP3 and IMAP web-based email applications, as well as AOL. Your email server must be unencrypted and not reside behind a firewall.

Top

Can I keep my existing email account?

Yes. With NotifyLink you can keep your existing email account, and with the convenience of a single email address, people always know exactly how to reach you, plus you get the freedom to manage your email from any location.

Top

Can I still check my email messages from my computer?

Yes, you can. All of your email messages will remain in your email account until you delete them yourself.

Top

Can I still send email using my wireless device's unique PIN based email account?

Yes. NotifyLink customers can easily send and receive email messages directly using their wireless device's unique email address.

Top

What email operations can I perform?

You can originate, receive, reply to, and forward your business and personal email messages directly from your 2-way messaging device, as if you sitting at your own office desk or home computer. (Note: Some operations may be device-dependent.)

Top

What email addresses will messages sent from my wireless 2-way messaging device use?

Using the EMAIL command within NotifyLink, messages that are sent from your wireless device will use your normal business or personal email address. You decide which one to use and when to use it.

Top

Can I view email attachments on my wireless 2-way messaging device?

No, you cannot actually view the attachments; however, you can configure NotifyLink to advise you of the number or name of attachments on your email messages, as well as the size of the attachments. You can also forward messages with attachments to another person to handle, or you can wait until you return to your computer to open and review the attachment.

Top

Can I send attachments using my wireless 2-way messaging device?

You can forward email messages that you received that have attachments.

Top

Can I keep copies of the messages I send?

Yes. Copies of messages will be sent to your normal business or personal email boxes. You can enable/disable this feature within General Preferences/Advanced Features.

Top

What does a typical NotifyLink Notification consist of?

Typically, the notification will include the sender, subject, size, date and time, and if there are attachments, the name and size of each attachment. The notification can be customized to meet your needs.

Top

Do I get all of each message, or just part of it?

You decide how much of the message you want to receive. You can receive only the first 100 characters of a message, or the entire body up to 500 characters. If after you have received the first 100 characters of a message you want to see more, you can request an additional 500 characters. You can continue to request the rest of the email in 500 character increments.

Top

I'm worried about incurring excessive airtime charges. Can I filter the messages that I receive on my wireless device?

Yes. The NotifyLink message filtering capability allows you to control which messages are sent to your wireless device. You can set specific criteria to define which messages you want to block or set criteria for those messages that you want to receive.

Top

What is the difference between a Block and a Filter?

When you want to prevent messages from being sent to you from a specific email address, you may apply a **block** from your wireless device. Once you have received an email message, you can apply the block to the email address, and no further messages originated from that email address will be sent to your wireless device. A block can ONLY be applied from your wireless device. A block will take precedence over any filters that you may have in place.

Top

Is it possible to receive a virus on my wireless 2-way messaging device?

Network professionals have verified that viruses can only be damaging to a system if an attachment is opened. Since attachments can't be opened directly from your wireless 2-way messaging device, no threat is posed at this time. (Source: Avert Labs for Network Associates.)

Top

What are the software and hardware requirements for NotifyLink software?

NotifyLink software requires the following:

- Registration at the NotifyLink website if you have an Intermittently Accessed email account in which your email messages are stored on the server until you download them to your desktop computer.
- 2-way device.

Top

Does my computer need to be running for NotifyLink to work?

No. If you are using NotifyLink's web-based application, your computer does not need to be on and running in order for you to receive notifications on your wireless 2-way.

Top

NotifyLink Standard Internet Edition

Back to Learn More

NotifyLink User Guide

- How to Access the Site
- Creating a New Email Profile
- How to Modify an Email Profile
- Edit General Preferences
- Initiating Emails from your Wireless Device
- Send Carbon Copy to Myself
- Email Groups
- Blocks and Filters
- How to Manage Messages Remotely
- Sending a New Message
- Email Tags
- Forward an Email
- Commands for managing your NotifyLink or email account

How to Access the Site

In order to sign up for the service, please go to http://weblinkwireless.notify.net to access the WebLink Wireless NotifyLink site.

How to Sign Up

The first screen you will see on the site is the Home page. From this screen you will have the option to:

- **Create a New Email Profile**
- **Manage an Existing Profile**
- **Request Help**
- **Learn More about the service**
- **View the Command Quick Reference**

Top

Creating a New Email Profile

To create a new email profile, follow these easy steps:

Click on Create New Email Profile.

1. To verify the **Service Activation**, enter the Device Phone Number to verify your NotifyLink has been activated. *Note: Fields in Bold indicate required

fields. (Also, at any time, you can click on Help for more information). Click Go!

2. Complete **Personal Information** screen. On this screen you will create a password to use when logging into your Remote email Manager account. Click Go!
3. Next, Complete the **Password for Manage My Profile** screen. Click Go!
4. From here we move to the **Mailbox Setup** screen. On this screen you will enter information about the email account you want to connect with your T900. Complete this screen by following these steps:

- Enter your full email address (ex. username@myemailaccount.com)
- Enter your current email account password
- Choose a name for this mailbox. This name will be used to assist you in distinguishing from which of your mailboxes a notification was generated.
- If you have set up all of the mailboxes you desire to attach to the service, click Finish. To add another mailbox to the service, click New Mailbox.

After clicking Finish, NotifyLink will verify the email information. If all of the information is properly verified, you will receive a confirmation screen indicating you have successfully created a NotifyLink account.

In the event that an error was found in the information you have provided, the following error will appear on the page: ***"The following error(s) occurred while processing your submission: Please check your Email Address and/or Password, as we were not able to verify that account."***

- Check the appropriate box in the next section
- The above is my correct email address and password.
- The above is my correct email address and password, but I use a different username to check my email. My username is:
- The above email address is an alias for my real email address and will be used as the reply as address when sending notifications. My real email address is:
- I'm not sure of my username and/or password. Please allow me to continue with the signup process and a customer support representative will assist me in filling this in at a later time.

Top

How to Modify an Email Profile

The Manage My Email Profile function will allow you to:

- **Edit General Preferences**
- **Edit a Specific Mailbox**
- **Create a new Mailbox**

To Access the Manage My Email Profile function, go directly to the website at http://weblinkwireless.notify.net or go to www.weblinkwireless.com and follow the instructions as given in the "How to Access the NotifyLink Site" section above.

Enter your Device Phone Number and Manage My Profile Password on the Manage My Email Profile Login Screen, and click the Log in button.
If you have forgotten your Manage My Profile password:

- Click on the link
- Enter your Device Phone Number
- Provide the answer to the Hint Question that you provided in the Sign Up process.
- Your password will be emailed to your email account shortly.

The next screen to appear is the Online Account Manager screen, from here you can select from the above mentioned account management options.

- **Account settings:** Any changes made here will affect your entire account. If you have 6 different mailboxes setup on the account, all 6 mailboxes will be affected by any changes to the Account settings.
- **Mailbox specific settings:** Changes made in this area will only affect the specified mailbox. If you have 6 mailboxes setup on the account and you make a mailbox specific change for the Yahoo account, only the Yahoo account will be affected.

Top

Edit General Preferences

On the main screen you can enable or disable your notification service. The change will occur after clicking the button Apply Changes.

From this screen you can also:

- Edit your **Personal Information** - the Personal Information screen allows you to update your personal information including contact name and phone number.
- Edit your **Password Information** - you can go into this screen to change your Manage My Profile password.
- Edit the **Email Check Times** - messages are checked for up to 12 times a day. In this screen you can specify when you want NotifyLink to check your email account for messages. The times are set in 30 minute increments. Specify the 30 minute increments you desire on this screen In another city on assignment. Change your time zone in this screen and continue to get your messages right on schedule.
- View account **Activity Log** - as you can see this screen simply lists every notification sent to your wireless device along with the number of characters in each message and the date and time of the message. You are also given the option to clear all items from this record by simply clicking the Clear Log button.
- Define **Advanced Features**

Top

Advanced Features

Initiating Emails From Your Wireless Device

Using WebLink's NotifyLink, you can initiate messages from your wireless device which appear as if they are from your email account. This feature is referred to as the EMAIL command. Follow these easy steps to use this powerful feature:

Load this address into your device address book: nl@notify.net.

Format a message as follows:

- compose a message and type the word **EMAIL** and a space.
- Type **TO:** followed by an email address and a space. (for example, **TO: name@yahoo.com**)
- Type **BD:** followed by the message. (for example, **BD: this is my message.**)
- Example message: "**EMAIL TO: name@yahoo.com BD: this is my message**"
- Send the message to nl@notify.net

Our service will send the email to the email address you specified in the body of the message. In the example given above, an email will be sent to name@yahoo.com stating "this is my message". The From and Reply to address will appear as your Primary address.

Note: If you have multiple accounts set up in the service, you can change the Primary address by selecting the Mailbox Name from the dropdown list.

Top

Send Carbon Copy to Myself

Anytime a message is originated from your wireless device, a copy will be sent to your mailbox. To deselect this feature:

- Uncheck the check the box and click on the Apply Changes button

Email Groups

The email group function allows you to set up a group mail address to make it easier to send messages to multiple addresses. To create a new email group:

- Click the new button on the email group screen
- Enter the name of the group
- Select the size of the group
- Click the Create button
- Add the desired email addresses
- Click Add

Next comes the Edit email groups screen. This screen lists the addresses in the email group shown and gives you the option to add more addresses to the listed group or to delete address from the group. To delete an address from the email group:

- Highlight the address you want to remove
- Click Delete

After making desired corrections on this page, select Return to main Email Groups page. The email group you created will appear in the middle of the screen. To edit the email group, simply click on the group nickname and you will receive the Edit email groups screen.

Top

Blocks and Filters

Besides turning notification off completely, there are two different ways of preventing notifications to your device. A block allows you to filter out a specific email address directly from your wireless device, while a filter can be set up ahead of time to either inclusively or exclusively filter out specific email messages.

View My Mobile Blocked List

This screen allows you to view the list of addresses blocked from your device.

- Your mobile blocked list displays all email addresses that have been blocked from your wireless device.
- You have the ability to view who is currently in your blocked list, as well as the ability to remove addresses from the list.
- In order to block an address, you must issue the 'BLOCK' command in response to a message to your wireless device.
- All blocks take precedence over filters.

View My Message Filters

Here we have the Filter Options screen. You can choose one of three methods for the administration of the filters specified.

- Filters Off - I want to be notified of all email.
- NOTIFY me when filter criteria are met (filters on).
- DO NOT NOTIFY me when filter criteria are met (filters on).

The current Filter list is displayed beneath the options listed above.

Filters can be Enabled, Disabled, or Deleted individually:

- To Enable a filter, place a check in the corresponding box under the Enabled field for the desired filter.
- To Disable a filter, simply remove the check from the corresponding box under the Enabled field for the desired filter.
- To Delete a filter, place a check in the box to the left of the filter name and click the Delete button.

To Create a New Filter:

- Access the Filter Options screen
- Click New
- Complete the fields on the New Filter screen
- Enter a name for the filter
- Verify the filter option on this page is correct
- Indicate the keywords or addresses (Not all fields are required)
- Select whether you want to receive messages sent directly to you or copied to you
- Select the Importance and Sensitivity settings
- Click OK

Your new filter will show up in the Current filter list.

Top

How to Manage Messages Remotely

Other great benefits of the NotifyLink include the ability to originate messages from your wireless device that appear to be from your email account and the ability to manage your email account remotely through your wireless device. This is accomplished by sending preset commands as replies to notifications sent to your wireless device.

There are generally two types of commands:

1. Those used to compose email messages
2. Those used for managing your NotifyLinkLink service and/or your email.

Commands used to compose email messages

Email messages can be composed as either a reply to a notification or as a new message sent to nl@notify.net. These messages will appear to come from your email account instead of from your wireless device.

Messages must be composed as "tagged". Tagged messages provide you with more options such as Cc and Bcc. Tags are explained in more detail below.

Top

Sending a new message

To send a new message, use the following format:

EMAIL <address> BD: body of the message

Send the message to nl@notify.net

Note : <address> can be either a group name or an email address.

Email Tags

You can also attach any of the following tags to a new message:

- TO: <address>
- CC: <address>
- BCC: <address>
- SU: subject goes here
- RE: subject goes here
- BD: body of the message

Note: SU: and RE: mean the same thing

Here's an example of a new message with tags:

TO:<address> BD: body of the message

Tags may appear in any order and the first three tags can be repeated. To send the example to Friend1 with Friend2 and Friend3 Cc'd, the command can be written as follows:

CC: friend1@isp.com BD: body of the message TO: friend2@isp.com CC: friend3@isp.com

Top

Sending Replies

Replies can be sent in response to notifications received on you 2-way device. The EMAIL command is not needed in the case - the service will know you are just replying to an email. Here's an example of a reply:

SU: I am on the road. BD: Hi Friend. I received your email.

Forward

Any email can be forwarded directly from your email account by replying to the notification with the FORWARD command.. A forward does not send the reply to the originator, only those explicitly listed.

To forward a message use the following format:

FORWARD TO:<address> BD: body of the message

Note: Both replies and forwards have the original message appended.

Top

Commands for managing your NotifyLink or email account

The commands that can be executed in reply to a notification are:

- **ALL** - sends you as many additional characters of the body as will fit into one message as determined by network limits (currently 490 characters).
- **MORE** - sends you as many additional characters of the body as will fit into one notification of the size specified by you.
- **DELETE** - deletes the messages corresponding to the notification from the mail server.
- **BLOCK** - blocks the sending of notifications for future messages received from the sender of the current message.
- **FORWARD** - forwards an email message to a specified address.

The following commands do not apply to a specific notification and can be executed as either a reply to a notification or as a new message sent to nl@notify.net:

- **EMAIL** - allows user to generate a masked message from their device.
- **CHECK** - forces a check for new mail in your accounts.
- **NOTIFY [ON / OFF]** - enables/disables the sending of notifications to your device.
- **UNBLOCK** - <address> removes a **BLOCK** for the given address.

Top

NOTIFY
TECHNOLOGY

Supported Devices

- Motorola Talkabout® T900 2way
- Motorola Timeport™ P935 Personal Interactive Communicator
- Motorola Pagewriter® 2000x 2way

Compatibility

Requirements

- Internet Access via a PC for establishing & maintaining your NotifyLink account

Email Provider

- Compatible With Many ISPs & Email Providers Including AOL, Yahoo, AT&T Worldnet, Earthlink, Hotmail, etc. not behind a firewall

The NotifyLink Internet Edition-Standard Version hosted service provides users with a convenient way to interact with their email wirelessly, while they are mobile.

Now, users may read, compose, reply, forward, and delete messages from their wireless 2way device, while maintaining their existing email addresses and mailboxes. Users may also control which email messages are forwarded to their 2way device by setting email filters that monitor key words found in an email subject or body as well as filtering based on the sender's email address.

NotifyLink Internet Edition-Standard Version is a hosted service designed for the individual who typically dials into their ISP to manage their email account. This service links users to their existing "Dial-Up" Internet email accounts, from a variety of wireless 2way devices.

Internet Edition-Standard Version Features	*NotifyLink*
Wireless Access to Your Email	✓
Integrated With Existing "Dial-Up" Email Accounts	✓
Multiple Email Accounts May be Forwarded to Your 2way Device (up to 6)	✓
Compatible With Many ISPs & Email Providers Including AOL, Yahoo, AT&T Worldnet, Earthlink, Hotmail, etc.	✓
Works With ALL ReFLEX Service Providers	✓
Works With Various ReFLEX 2way Messaging Devices	✓
Hosted Service	✓
Emails are Forwarded Hourly to Your 2way Device	✓
Emails Sent from Your 2way Device Will be Copied to Your Inbox	✓
Compose, Reply, & Forward Email as if it Were Sent from Your PC	✓
Customize the Following Settings via Your Internet Browser:	✓
• Identify Email Accounts for Wireless Access	✓
• Define Notification, Content, & Attachment Format	✓
• Robust Filtering by Name, Email Address, Sender, etc.	✓
• Define Email Distribution Lists or Groups	✓
• Ability to Customize Your Wireless Email Header	✓
Remotely From Your 2way Device You are Able to:	✓
• Send, Reply, Delete, & Forward	✓
• Block Incoming Email	✓
• Check for New Email on Demand	✓
• Enable or Disable Forwarding Email	✓
• Request More or All of an Email	✓

Stop Logging-on and checking multiple email accounts.
Just clip it to your hip....
And your existing email will find you.

Not Possible? Welcome to NotifyLink!

NOTIFY TECHNOLOGY

The NotifyLink Internet Edition hosted service provides users with a convenient way to interact with their email wirelessly, while they are mobile.

Now, users may read, compose, reply, forward, and delete messages from their wireless 2way device, while maintaining their existing email addresses and mailboxes. Users may also control which email messages are forwarded to their 2way device by setting email filters that monitor key words found in an email subject or body as well as filtering based on the sender's email address.

The following is a feature comparison between the NotifyLink Internet Edition and the BlackBerry™ Internet Edition.

Internet Edition Features	*NotifyLink*	*BlackBerry™*
Wireless Access to Your Email	✓	✓
Integrated With Existing "Dial-Up" Email Accounts	✓	
Multiple Email Accounts May be Forwarded to Your 2way Device	✓	
Compatible with many ISPs including AOL, Yahoo, Earthlink, etc.	✓	
Works with ALL ReFLEX Service Providers	✓	
Works With Various ReFLEX 2way Messaging Devices	✓	
Hosted Service	✓	✓
Emails are Forwarded Up-To 12 Times Daily to Your 2way Device	✓	
Compose, Reply, & Forward as if it Were Sent from Your PC	✓	✓
Check Email on Demand	✓	
Create Email Groups	✓	
Ability to Customize Your Wireless Email Header	✓	
Robust Filtering	✓	✓
Customize Settings via Your Internet Browser	✓	
Customize Notification Appearance & Detail	✓	
Customize Notification Size of Characters, Content, & Attachments	✓	
Remotely Send, Reply, Delete, & Forward From Your 2way Device	✓	✓
Remotely Block Incoming Email From Your 2way Device	✓	
Remotely Enable or Disable Forwarding Email	✓	
Remotely Request More or All of an Email From Your 2way Device	✓	

NOTIFY
TECHNOLOGY

Supported Devices

- Motorola Talkabout® T900 2way
- Motorola Timeport™ P935 Personal Interactive Communicator
- Motorola Pagewriter® 2000x 2way

Compatibility

Requirements

- Internet Access via a PC for establishing & maintaining your NotifyLink account

Email Provider

- Compatible With Many ISPs & Email Providers Including AOL, AT&T, Earthlink, Hotmail, etc. not behind a firewall

Internet Edition-Standard Version

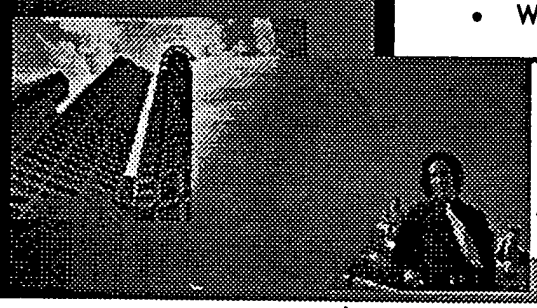
The NotifyLink Internet Edition-Standard Version hosted service provides users with a convenient way to interact with their email wirelessly, while they are mobile.

Now, users may read, compose, reply, forward, and delete messages from their wireless 2way device, while maintaining their existing email addresses and mailboxes. Users may also control which email messages are forwarded to their 2way device by setting email filters that monitor key words found in an email subject or body as well as filtering based on the sender's email address.

NotifyLink Internet Edition-Standard Version is a hosted service designed for the individual who typically dials into their ISP to manage their email account. This service links users to their existing "Dial-Up" Internet email accounts, from a variety of wireless 2way devices.

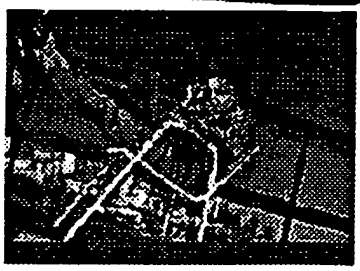
Features of the Internet Edition-Standard Version

- Remote Access for existing "Dial-Up" Internet email accounts (up to six)
- Hosted Service for mobile email notification and management
- Eliminate the inconvenience of a separate mobile email address using existing email accounts
- Compose, Read, Reply to, Forward, and Delete email while mobile from multiple 2way devices
- Check for new email on demand
- Emails Sent from Your 2way Device Will be Copied to Your Inbox
- Compatible With Many ISPs & Email Providers Including AOL, Yahoo, AT&T Worldnet, Earthlink, Hotmail, etc.
- Powerful filtering lets you control which email is forwarded to your 2way device
- Easily customize the size and appearance of the email forwarded to your 2way device
- Checks for new email hourly
- Web Based User Interface for registration and configuration



Stop Logging-on and checking multiple email accounts.
Just clip it to your hip....
And your existing email will find you.

Not Possible? Welcome to NotifyLink!



Documentation & Detailed Information

The following is a list of detailed information about each NotifyLink Product Edition.

Internet Edition

- NotifyLink Frequently Asked Questions
- Internet Edition User's Guide
- Quick Reference Guide to Features
- NotifyLink Feature Comparison
- Internet Edition Data Sheet

Desktop Edition–Standard

- NotifyLink Frequently Asked Questions
- Desktop Edition-Standard Version User's Guide Talkabout® T900
- Desktop Edition-Standard Version User's Guide Timeport™ / Pagewriter
- Quick Reference Guide to Features
- NotifyLink Feature Comparison
- Desktop Edition-Standard Version Data Sheet
- Desktop Edition-Standard & Professional Version White Paper

Desktop Edition–Professional

- NotifyLink Frequently Asked Questions
- Desktop Edition-Professional Version User's Guide Talkabout® T900
- Desktop Edition-Professional Version User's Guide Timeport™ / Pagewriter
- Quick Reference Guide to Features
- NotifyLink Feature Comparison
- Desktop Edition-Professional Version Data Sheet
- Desktop Edition-Standard & Professional Version White Paper

NotifyLink Desktop Frequently Asked Questions

1. What is NotifyLink Desktop?
2. Why should I use NotifyLink Desktop?
3. What is the main functionality of NotifyLink Desktop?
4. Why do I need to use NotifyLink Desktop when my wireless device can receive email?
5. Does NotifyLink Desktop work with other wireless devices?
6. Which email systems does NotifyLink Desktop software support?
7. Can I keep my existing email account?
8. Can I still send email using my wireless device's unique PIN based email account?
9. What email operations can I perform?
10. Can I view email attachments on my wireless two-way messaging device?
11. What email addresses will messages sent from my wireless two-way messaging device use?
12. Can I send attachments using my wireless two-way messaging device?
13. Can I keep copies of the messages I send?
14. What does a typical NotifyLink Desktop Notification consist of?
15. Do I get all of each message, or just part of it?
16. I'm worried about incurring excessive airtime charges. Can I filter the messages that I receive on my wireless device?
17. What is the difference between a Block and a Filter?
18. Is it possible to receive a virus on my wireless two-way messaging device?
19. What are the software and hardware requirements for NotifyLink Desktop software?
20. Does my PC need to be running for NotifyLink Desktop to work?
21. What happens if my company's Exchange Server goes down?
22. What if my PC looses Internet connectivity?
23. My PC has backups performed on it. Will this process interfere with the NotifyLink Desktop software?

What is NotifyLink Desktop?

NotifyLink Desktop is a personal computer (PC) based software application that acts like a remote control for your PC Email, giving you the freedom to manage your messages from any location. Motorola powers NotifyLink Desktop with its ReFLEX® wireless network protocol, which integrates with your desktop Email application to handle the routing of your Email messages to your wireless device.

Designed to work with both corporate and personal Email systems, NotifyLink Desktop enables you to compose, read, reply to, and forward Email messages using your wireless device. NotifyLink Desktop allows you to react quickly without the need for a bulky laptop computer to access your Email.

Messages are sent from your PC with the FROM address as the desktop Email address. This eliminates the confusion of separate PC and mobile Email addresses. Using a single Email address, you can receive Email messages both in your desktop mailbox and on your wireless device.

With NotifyLink Desktop, you decide which messages you want to see on your wireless device. To help reduce your airtime costs, you can filter which messages are sent to your wireless device. You can even control how much of an Email message is sent. If you want to see more of a particular message, you can request additional text or you can wait until you return to the office to read the entire message.

An advantage NotifyLink Desktop has over other wireless Email applications is that it provides you with the option to keep a copy of the messages sent to and from your wireless device (the copy is saved on your PC). Handling attachments is also a snap. NotifyLink Desktop will advise you of the name of any attached files when you receive in an Email message. You can forward the message along with the attachment to an associate to handle, instead of waiting until you return to the office to open and read the attachment. NotifyLink Desktop will also allow you to use your wireless device to compose and remotely send Email messages from your own PC

Top

Why should I use NotifyLink Desktop?

NctifyLink Desktop enables mobile professionals to make the most of their most precious resource: time.

- Extends the power of your email into the field
- Offers economical and simple-to-use wireless email extension
- No need for both office and remote email addresses.
- No need for a bulky laptop computer, if all you are going to use it for is remote access to your email.
- Enhances the value of your wireless two-way messaging device.

Top

What is the main functionality of NotifyLink Desktop?

NotifyLink Desktop allows you to:

- Originate, receive, reply to, and forward email messages
- Remotely manage email attachments

In addition, NotifyLink Desktop offers the following:

- Location transparency
- Optimized wireless data solution

Top

Why do I need to use NotifyLink Desktop when my wireless device can receive email?

With NotifyLink Desktop, you can send and receive email messages using your office email address whether you are using email in the office or from your wireless two-way messaging device. All messages you receive and send using the software will be stored in your email mailbox. In addition, from your wireless device, you can specify which messages and how much of each message you want to receive, thus reducing your airtime costs.

Top

Does NotifyLink Desktop work with other wireless devices?

NotifyLink Desktop works with a variety of wireless two-way messaging devices, including the Motorola Talkabout® T900 2way, Timeport™, and Pagewriter™ 2000.

Top

Which email clients does NotifyLink Desktop software support?

- Microsoft Outlook 97
- Microsoft Outlook 98 (Corporate or Workgroup)
- Microsoft Outlook 2000 (Corporate or Workgroup)
- Microsoft Outlook 2002 (Corporate or Workgroup)
- Outlook Express version 4.0 and later* (POP3)
- Netscape Communicator 4.x, where x is 5 or greater* (POP3)
- Eudora version 5.0 and later* (POP3)

Top

Can I keep my existing email account?

Yes. With NotifyLink Desktop you can keep your existing email account, and with the convenience of a single email address, people always know exactly how to reach you, plus you get the freedom to manage your email from any location.

Top

Can I still send email using my wireless device's unique PIN based email account?

Yes. NotifyLink Desktop customers can easily send and receive email messages directly from any valid email address using their wireless device's unique PIN based email account. Thus, users retain the immediacy of message transportation that they expect from a wireless two-way messaging device.

Top

What email operations can I perform?

You can originate, receive, reply to, and forward your business and personal email messages directly from your two-way messaging device, as if you sitting at your own office desk or home computer. (Note: Some operations may be device-dependent.)

Top

What email addresses will messages sent from my wireless two-way messaging device use?

With NotifyLink Desktop, all email messages that are sent from your wireless device will use your normal business or personal email address. You decide which one to use and when to use it.

Top

Can I view email attachments on my wireless two-way messaging device?

No, you cannot actually view the attachments; however, you can configure NotifyLink Desktop to advise you of the number or name of attachments on your email messages, as well as the size of the attachments. You can also forward messages with attachments to another person to handle, or you can wait until you return to your desktop to open and review the attachment. (Note: This functionality may be device-dependent.)

Top

Can I send attachments using my wireless two-way messaging device?

You can forward email messages that you received that have attachments.

Top

Can I keep copies of the messages I send?

Yes. Copies of messages will be sent to your normal business or personal email boxes.

Top

What does a typical NotifyLink Desktop Notification consist of?

Typically, the Notification will include the sender, subject, size, date and time, and if there are attachments, the name and size of each attachment. The Notification can be customized to meet your needs.

Top

Do I get all of each message, or just part of it?

You decide. You can receive only the first 100 characters of a message including the header, or the entire body up to 500 characters. If after you have received the first 100 characters of a message you want to see more, you can request an additional 100 characters, and so on.

Top

I'm worried about incurring excessive airtime charges. Can I filter the messages that I receive on my wireless device?

Yes. The NotifyLink Desktop message filtering capability allows you to control which messages are sent to your wireless device. You can set specific criteria to define which messages you want to block or set criteria for those messages that you want to receive.

Top

What is the difference between a Block and a Filter?

When you want to prevent messages from being sent to you from a specific email address, you may apply a **block** from your wireless device. This works just like blocking a call on your telephone. Once you have received an email message, you can apply the block to the email address, and no further messages originated from that email address will be sent to your wireless device. A block is NOT the same thing as a filter (although some filters might act like a block), and a block can ONLY be applied from your wireless device. A block will take precedence over any filters that you may have in place.

Top

Is it possible to receive a virus on my wireless two-way messaging device?

Network professionals have verified that viruses can only be damaging to a system if an attachment is opened. Since attachments can't be opened directly from your wireless two-way messaging device, no threat is posed at this time. (Source: Avert Labs for Network Associates.)

Top

What are the software and hardware requirements for NotifyLink Desktop software?

NotifyLink Desktop software requires the following:

Hardware Requirements

- Pentium Processor compatible or better with 20 MB of free hard disk space
- 64 MB RAM (or higher) recommended

Operating System Requirements

- Microsoft Windows 95
- Microsoft Windows 98
- Microsoft Windows NT with Service Pack 4.0 or higher
- Microsoft Millennium
- Microsoft Windows 2000

Other

- Internet Explorer 4.0 or higher.

Top

Does my PC need to be running for NotifyLink Desktop to work?

Your PC needs to be on and running in order for you to receive notifications on your wireless two-way messaging device.

Top

What happens if my company's Exchange Server goes down?

If your company's Exchange Server goes down, you must follow the same steps that you would for your email software. The normal process in this event is to stop the NotifyLink Desktop software and restart it.

Top

What if my PC loses Internet connectivity?

If your PC loses Internet connectivity, you will not be able to receive new email. Unless your email server is an Exchange Server (see above), you will begin to receive new emails when your Internet connection has been restored. Your new emails will *then* be sent to your wireless device by the NotifyLink Desktop software.

Top

My PC has backups performed on it. Will this process interfere with the NotifyLink Desktop software?

If your machine has backups performed on it, you should consult with your Network Administrator to verify that you can allow the NotifyLink Desktop software to remain running. Note: most backup software performs it's duty in the "background" and does not require you to stop software from running.

Top

NotifyLink Standard User's Guide

Table of Contents

Section 1 ▶What is NotifyLink Standard?
Section 2 ▶Overview of System Architecture
Section 3 ▶PC System Requirements
Section 4 ▶Installation
Section 5 ▶First Time Setup
Section 6 ▶Microsoft Exchange Setup
Section 7 ▶System Tray Menu
Section 8 ▶Mailbox Properties Screen
▶Accounts
▶Folders
▶Filters
▶Block List
Section 9 ▶Device Properties
▶Format
▶Control
▶Device
▶Security
Section 10 ▶PIM
Section 11 ▶Executing Commands from your Device
▶Creating an Address Book on your Device
▶List of Commands
▶Requesting To See MORE or ALL of a Message
▶Reply to a Person Who Sent You an Email Message
▶Forward an Email Message
▶Deleting an Email Message
▶Originating an Email from Your Device
▶BLOCK or UNBLOCK a Specified Email Address
▶Turning Notification On or Off
▶Checking for New Email Messages
▶Using "Tags" to Format Your Email

Figure 1 ▶*System Architecture*
Figure 2 ▶*System Tray Menu*
Figure 3 ▶*Mailbox Properties Screen*
Figure 4 ▶*Accounts Screen*
Figure 5 ▶*Folders Screen*
Figure 6 ▶*Filters Screen 1*
Figure 7 ▶*Filters Screen 2*
Figure 8 ▶*Filters Screen 3*
Figure 9 ▶*Blocked list Screen*
Figure 10 ▶*Device Properties Screen*
Figure 11 ▶*Format Screen*
Figure 12 ▶*Control Screen*
Figure 13 ▶*Device Screen*
Figure 14 ▶*Security Screen*

- Using "Tags" to Format Your Email Messages
Section 12 ▶Command Quick Reference
▶Commands Defined

Section 1 - What is NotifyLink Standard?

NotifyLink Standard is a personal computer (PC)-based software application that acts like a remote control for your PC email, giving you the freedom to manage your messages from any location. The NotifyLink Standard uses ReFLEX® wireless network protocol, to integrate with your PC email application to handle the routing of your email messages to your wireless device.

Designed to work with both corporate and personal email systems, NotifyLink Standard enables you to compose, read, reply to, and forward email messages using your wireless device. NotifyLink Standard allows you to react quickly without the need for a laptop computer to access your email.

Messages are sent from your wireless device with your PC email address as the FROM address (just as if they were sent from your PC email application). This eliminates the confusion of separate PC and mobile email addresses. Using a single email address, you can receive email messages both in your PC mailbox and on your wireless device.

With NotifyLink Standard, you decide which messages you want to see on your wireless device. To help reduce your airtime costs, you can filter which messages are sent to your wireless device. You can even control how much of an email message is sent. If you want to see more of a particular message, you can request additional text or you can wait until you return to your PC to read the entire message.

The advantage NotifyLink Standard has over other wireless email applications is that it provides you with the option to keep a copy of the messages sent to and from your wireless device (copy is saved on your PC). Handling attachments is also a snap. NotifyLink Standard will advise you of the file name, the file size, or the number of file attachments of any attached files when you receive in an email message. You can either forward the message along with the attachment to an associate, or wait until you return to the office to open and read the attachment. With your "Always On" connection, NotifyLink Standard allows you to use your wireless device to compose and remotely send email messages with attachments.

Top

Section 2 - Overview of System Architecture

The operation of NotifyLink Standard is illustrated in Figure 1 below.

- Email arrives at email Server (1).
- The NotifyLink Standard application receives notification of email (2).
- NotifyLink Standard processes the message and sends it to the ReFLEX network via the Internet (3).
- The network sends the message to your wireless device (4).

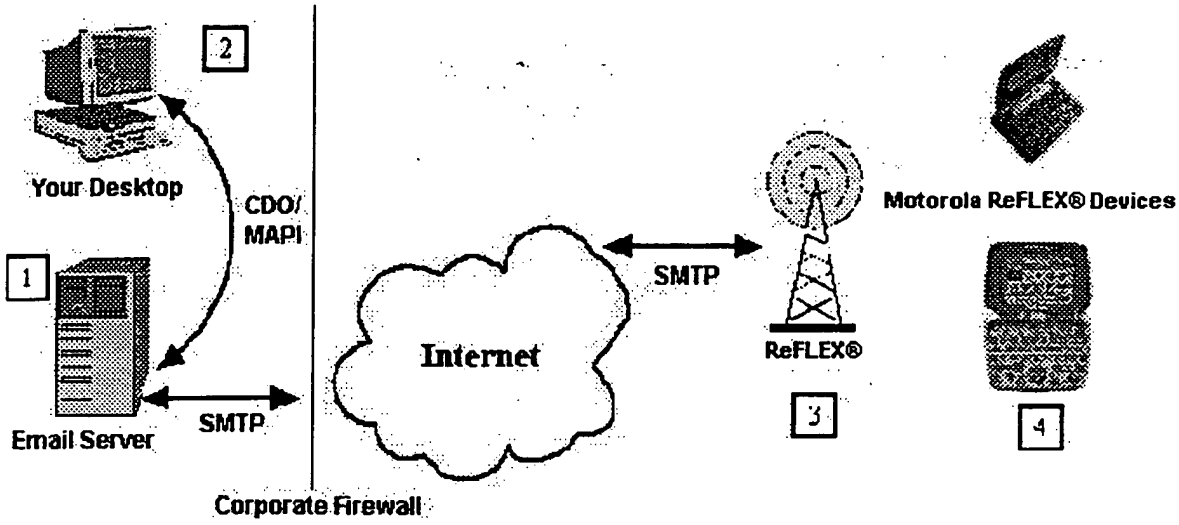


Figure 1

Top

Section 3 - PC System Requirements

PC Requirements:

- Pentium Processor compatible or better with 20 MB of free hard disk space
- 64 MB RAM (or higher) recommended

Operating System Requirements:

- Microsoft Windows 95
- Microsoft Windows 98
- Microsoft Windows NT with Service Pack 4.0 or higher
- Microsoft Millennium
- Microsoft Windows 2000

Email Clients Supported:

- Microsoft Outlook 97 (Corporate or Workgroup)
- Microsoft Outlook 98 (Corporate or Workgroup)
- Microsoft Outlook 2000 (Corporate or Workgroup)

Note: If you have just installed Outlook on your PC you will need to open and run Outlook to complete the Outlook setup process.

Other Requirements:

- MDAC 2.11 or higher. The Microsoft Data Access Components (MDAC) are the key technologies that enable Universal Data Access. They are installed with many different Microsoft products. The installation program will check and determine if these files need to be installed on your system.
- Microsoft Internet Explorer 4.0 or higher. ***Note:*** Internet Explorer does not have to be your default browser, it only has to be configured and ran at least one time.

Top

Section 4 - Installation

You must first install the NotifyLink Standard software on your PC.

Before you begin the Installation Process, please complete the following:

Save any files that you are working on and close down all other programs currently running on your PC. ***Note:*** The installation may require that you reboot your PC multiple times.

Note: If you install the software in an office environment, you may not have sufficient privileges to download software. If you do not have authorization, you will need to contact your local System Administrator. If you install the software at your business and your business has firewalls setup, you may receive the following error message: "*Cannot connect. Please check your Internet connection.*" Please consult with your business Network Administrator before calling the Support department.

Install NotifyLink Standard Software to Your Computer

Install the NotifyLink Standard software files from the web site address you were given.

You may run the Installation two ways - **Download to your Hard Disk**, or **Run this Program from its current location**.

Download to your Hard Disk

1. Select "**Click here to download** Motorola MyMail Install file". NotifyLink Standard to your hard disk, make a note as to where it is saved. A dialog box displays showing the initial stages of the software installation. (Depending upon your browser software, you must then close the dialog box, or it closes automatically).
2. From your PC, go to "My Computer". (your hard disk).
3. Select the location where you saved the NotifyLink Standard software to.
4. Select MyMail.exe. ***Note:*** Based upon your current files view setup in Windows Explorer, your file names may not include .exe, it will just state the file name.
5. Select your preferred settings throughout the setup process. Suggested settings are provided. However, you must accept the license agreement to install the software. Also, you may want to check the box to add NotifyLink Standard to your Startup Folder. ***Note:*** During this process, the software prompts you if you need to update your MDAC files. If so, download the file mdac_typ.exe and install. ***Note:*** if your executables are disabled, your file names will not include .exe, it will just state the file name.
6. After the Wise Installation Wizard has completed, Select **Finish** to exit.

Run this Program from its current location

1. Select "**Click here to download** Motorola MyMail Install file". Select **Run this program from its current location.**
2. Select your preferred settings throughout the setup process. Suggested settings are provided. However, you must accept the license agreement to install the software. Also, you may want to check the box to add NotifyLink Standard to your Startup Folder. ***Note:*** During this process, the software prompts you if you need to update your MDAC files. If so, download the file mdac_typ.exe and install. ***Note:*** if your executables are disabled, your file names will not include .exe it will just state the file name)

3. After the Wise Installation Wizard has completed, Select **Finish** to exit.

Top

Section 5 - First Time Setup

Once you have installed the NotifyLink Standard software application, you must then run the **First Time Setup**.

First Time Setup

1. Go to the **START** menu and run **PROGRAMS, Motorola MyMail, Motorola MyMail.** The setup wizard will walk you through the necessary steps.
2. In the "First Time Setup" page, enter your First Name and Last Name in the Personal Information section.
3. In the **Device Information** section, type in the device Personal Identification Number (i.e., the telephone number of your messaging device) in the **Wireless Address** box. Type it again to confirm. If your Wireless Service Provider has assigned your Wireless Device an **Alias,** you need to enter the alias in the **Wireless Address Alias** field. (*The Alias is only enabled by the carrier - not NotifyLink Standard).*

   Wireless Address example: 5551234
   Wireless Address Alias example: john.smith

4. In the **Product Registration** section, enter in your **Product Key**.
5. Select **Continue** to proceed.
6. Select your Service Domain. Your Service Domain is located at the right of the @ symbol in your wireless address.
7. Select **Continue.**
8. If your PC is setup with a Microsoft Exchange Server, continue to Section 6. If your PC is not setup with a Microsoft Exchange Server, continue to Section 7.

Top

Section 6 - Microsoft Exchange Setup

If your PC is setup with a Microsoft Exchange Server account, the next window that displays is Desktop Exchange Setup.

1. **Type in the default email address** pertaining to the account detected. For example, john.smith@company.com. If you need assistance, please contact your Network Administrator.
2. Type the same address again in the box below to confirm.
3. Select **OK** to proceed. NotifyLink Standard will take you to the Configuration program where you can customize notification options.

Section 7 - System Tray Menu

NotifyLink Standard runs in your PC system tray. Various options are available when you right-click on

the NotifyLink Standard icon in the system tray, as shown in Figure 2.

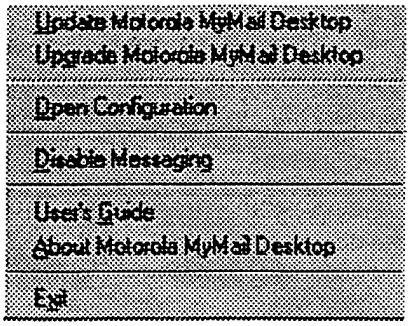


Figure 2

- **Update NotifyLink Standard:** This menu option is utilized to check for software updates to the NotifyLink Standard. If a new version is found, NotifyLink Standard automatically perform an update. ***Note:*** When the application is launched, your software automatically checks for updates every 30 days. If a newer version is found, you may be required to restart your PC.
- **Upgrade NotifyLink Standard:** This menu option is for users who have not yet upgraded their NotifyLink Standard software. To upgrade, enter the Product Key you were provided when you purchase your upgrade.
- **Open Configuration:** This menu option allows you to open the NotifyLink Standard software to modify your current settings. ***Note***: Email notification is disabled while you are in **Open Configuration**.
- **Disable Messaging/Enable Messaging:** This menu option allows you to enable or disable emails from being sent to your wireless device. To enable messaging, right click on the NotifyLink Standard icon and select **Enable Messaging**. To disable messaging, right click on the NotifyLink Standard icon and select **Disable Messaging**. ***Note:*** The Disable Messaging feature overrides the screen saver activation feature.
- **User's Guide:** This menu option enables you to view the User's Guide online. ***Note:*** Your PC must be currently connected to the User's Guide.
- **About NotifyLink Standard:** This menu option enables you to view the About notes for the NotifyLink Standard software.

Top

Section 8 - Mailbox Properties Screen

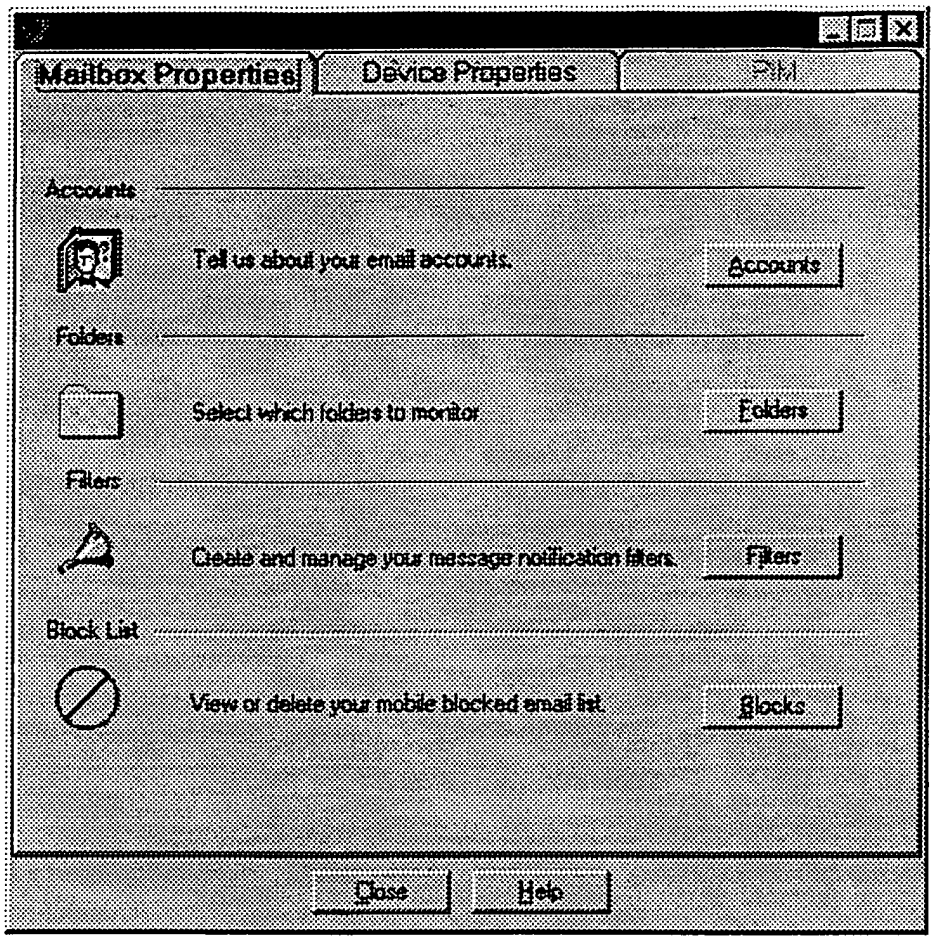
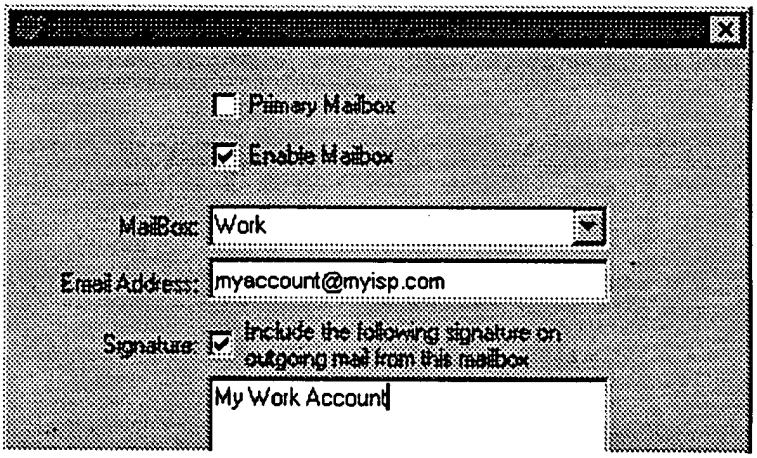


Figure 3

Accounts

To manage your Account options:

1. Right click on the NotifyLink Standard icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Standard through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Accounts**. The following screen displays, as shown in Figure 4.



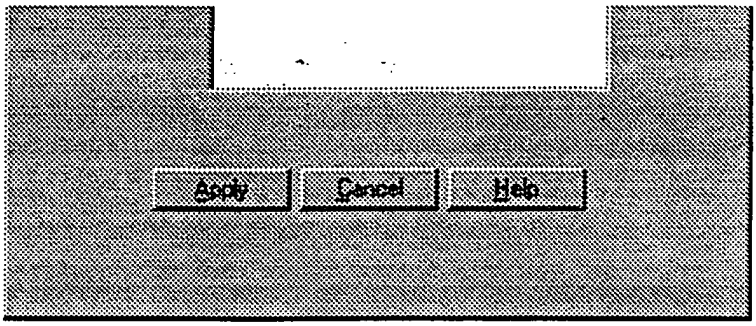


Figure 4

When opened, the configuration screen contains email information found during the installation process of the NotifyLink Standard software. If you are using an Exchange Server, you must enter your default SMTP address used on the server. If you later add additional email accounts within your default email software, NotifyLink Standard detects and adds those accounts the next time you start the program.

You may receive notification of email messages from multiple email accounts on your wireless device, but you must select which ones by enabling the checkbox for each account.

Defining Accounts

For *each* account that NotifyLink Standard detects, you may specify the following:

- **Mailbox:** A name identifying your mailbox (e.g. - Office or Home). **Mailbox** names are limited to 8 characters.
- If only one email account is being used for messages to your device, NotifyLink Standard shows your default mail account.

  Some individuals have more that one email accounts. MyMail detects various accounts and assigns a generic name for each. You can highlight each and rename. This helps you identify which account received the message.

- **Email Address:** MyMail Desktop detects any email addresses that you have defined in your email client software. These accounts may have been detected on First Time Setup if they were present at the time. If so, they correspond with the **Mailbox** name you had defined.

You have three options for each email address:

- **Primary Mailbox:** Check this box to apply settings of the currently selected email account. This option is not shown on the default account or if you have one account..
- **Enable Mailbox:** You may enable or disable individual mailboxes. If you want NotifyLink Standard to check this mailbox for messages, check **Enable Mailbox**. If you want to temporarily prevent NotifyLink Standard from notifying you of messages in this mailbox, *do not* check **Enable Mailbox**.
- **Signature:** If you would like outgoing messages from your device to include a signature, check the **Signature** box and fill in the area below, this text appends to the outgoing mail from the selected Mailbox. Your Signature is the text that you type in the Signature box. ***Note***: if you utilize the signature feature on your device and you place an additional signature in this field, your outgoing messages will have 2 signatures.

When finished, select **Apply** to set any changes and **OK** to return to the **Mailbox Properties** screen.

Top

Folders

MyMail continually scans folders for new email. By default, it scans only the Inbox. If all of your emails go directly into your Inbox, skip this section.

Many use the "rules" feature in their email program. In doing so, certain emails are automatically moved to specific folders. You may prefer to be notified when email arrives in those folders. If you organize email into separate folders by using "rules", the Folders option in NotifyLink Standard allows you to select which folder(s) you want monitored. NotifyLink Standard searches all of the selected folders for new email and, if it meets the criteria you have defined in NotifyLink Standard's configuration, the emails are forwarded to your Wireless device. For example, this feature could be used when you have separate sub-folders for each of your co-workers and your boss. By filtering, you can specify which individual's emails are forwarded from your desktop PC to your wireless device.

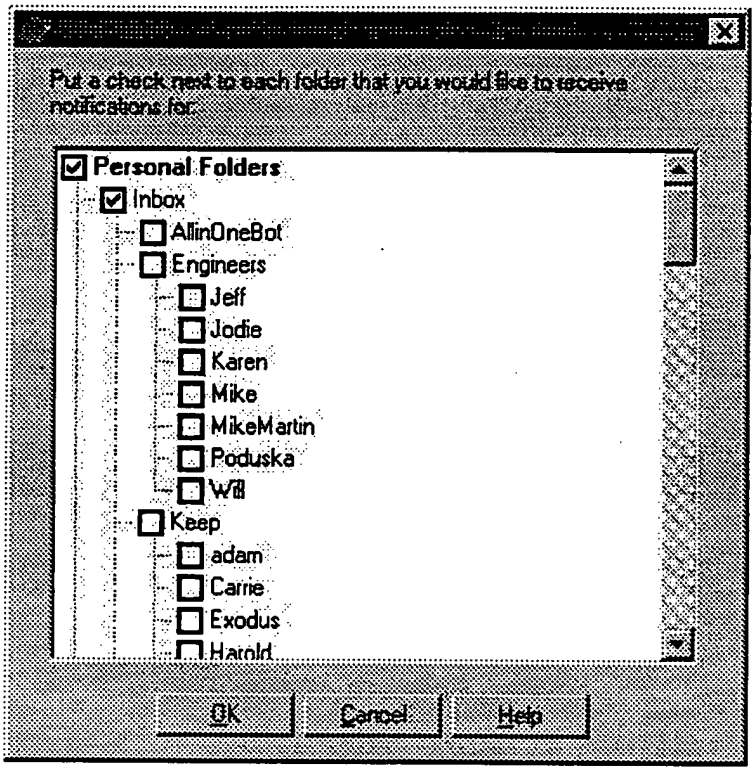


Figure 5

1. Right click on the NotifyLink Standard icon (or) in your Windows System Tray and
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Standard through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Folders**. The screen shown in Figure 5 is displayed. You will see all the Folders that have been created by you on your PC.
5. Place a check in the box to the left of the folder to enable it. ***Note***: The main folder Inbox *does not* need to be activated for the personalized subfolders under it to be selected, they are separate folders.
6. When finished, select **OK** to save your changes and close the Folders window.

Note: Your root folders (denoted in bold letters) are automatically checked and cannot be unchecked. This allows NotifyLink Standard to monitor any additional folders that you may add in the future.

Top

Filters

It is recommended that you learn more about the types of email you do not want forwarded to your device before setting up Message Filters.

The Message Filters screen allows you to control which messages are sent to your messaging device. For each mailbox account, you may specify criteria to define which emails you don't want to receive, or set criteria for those emails you want to receive.

Because Filters are specific for each Mailbox, before creating a **New** Filter, you must select the Mailbox you want the Filter setup for. When editing the filter make sure to specify the correct Mailbox from the drop down menu before proceeding.

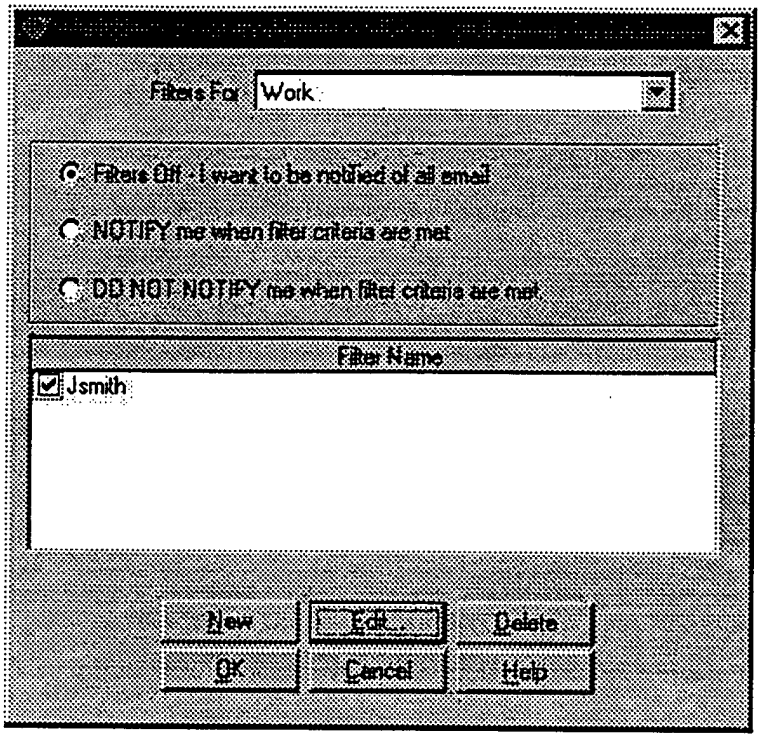


Figure 6

You may select from several different filter options.

Setting up Message Filters

To setup the Message Filter criteria:

1. Right click on the NotifyLink Standard icon (or) in your Windows System Tray
2. Select **Open Configuration**. If you do not see either icon in your System Tray, double click on the NotifyLink Standard icon on your PC or launch NotifyLink Standard through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Filters**.
5. Select the desired mailbox from the **Filters For** drop down menu, shown in Figure 6.
6. Select **New.** This will create a new **Default Filter** in the **Filter Name** window, as shown in

Figure 6.

7. Select the new filter then select Edit to open a new window
8. In the Filter Name field enter a new filter name. This helps you to identify this filter in the future.
9. Define your filter criteria.

Define Filter Criteria

Select the criteria that you want to use to filter your mail:

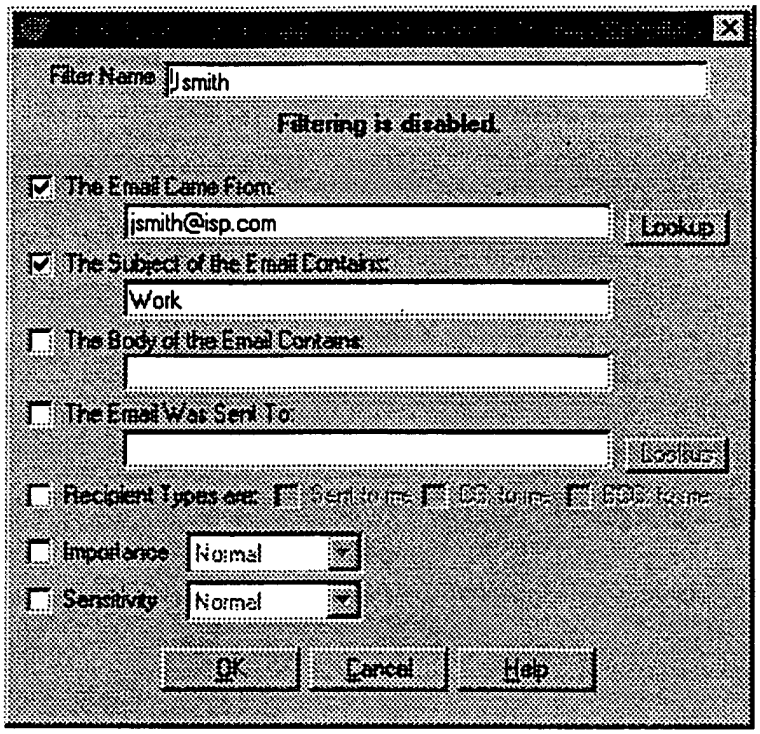


Figure 7

- **The Email Came From:** You may enter one email address, or multiple email addresses separated by a space, comma or semicolon. By using the Lookup button, you may access addresses contained in your email software address book. Filter matching is exact. In other words, you must enter the "Reply to" email address exactly as it is shown on emails which you receive.
- **The Subject of the Email Contains**: You may enter any word(s) separated by a space, comma or semicolon. Filter matching is exact. If you enter more than one word, then **all** of the words (in any order or placement) must be matched for the filter criteria to be met.
- **The Body of the Email Contains:** You may enter any word(s) separated by a space, comma or semicolon. Filter matching is exact. If you enter more than one word, then **all** of the words (in any order or placement) must be matched for the filter criteria to be met.
- **The Email Was Sent To:** You may enter one email address, or multiple email addresses separated by a space, comma or semicolon. By using the Lookup button, you may access addresses contained in your email software address book. Filter matching is exact, you must enter the "Reply to" email address exactly as it is shown on emails which you receive.
- **Recipient Types are:**
  - **Sent to me:** This feature matches email that is in the TO: field of the email address.
  - **CC: to me:** This feature matches email that is in the CC: field of the email address.
  - **BCC: to me:** This feature matches email that is in the BCC: field of the email address.

- **Importance:** This feature is not supported in all email software packages and works only if your

software *and the sender's software* supports it. You may select **Normal**, **High** or **Low** as the minimum importance of the messages for your filter. ***Note:*** Messages AT or GREATER than the importance option that you select meets the filter criteria, (e.g. messages marked Confidential do not meet the criteria if Private is selected.)

- **Sensitivity:** This feature is not supported in all email software packages and works only if your software *and the sender's software* supports it. You may select **Normal**, **Personal**, **Private** or **Confidential**. ***Note:*** Only messages marked with the specific option that you select meets the filter criteria, (e.g. messages marked Confidential do not meet the criteria if Private is selected.)

Tips for Multiple Fields Within One Filter

You may select one or more types of filter criteria. When using multiple criteria, **ALL** fields that you selected must match the email. For example, The email Came From "jsmith@isp.com" **AND** The Subject of the email Contains "*Work*".

After you are finished selecting your filter criteria, click **OK** to return to **Filters**.

Repeat steps 1 - 10 for each filter that you want to set up. In Figure 8, shows that 3 filters were setup.

After you have finished setting up your filters, you may choose from one of three options for using them.

1. **Filters Off** - I want to be notified of all email
2. **NOTIFY** me when filter criteria are met
3. **DO NOT NOTIFY** me when filter criteria are met

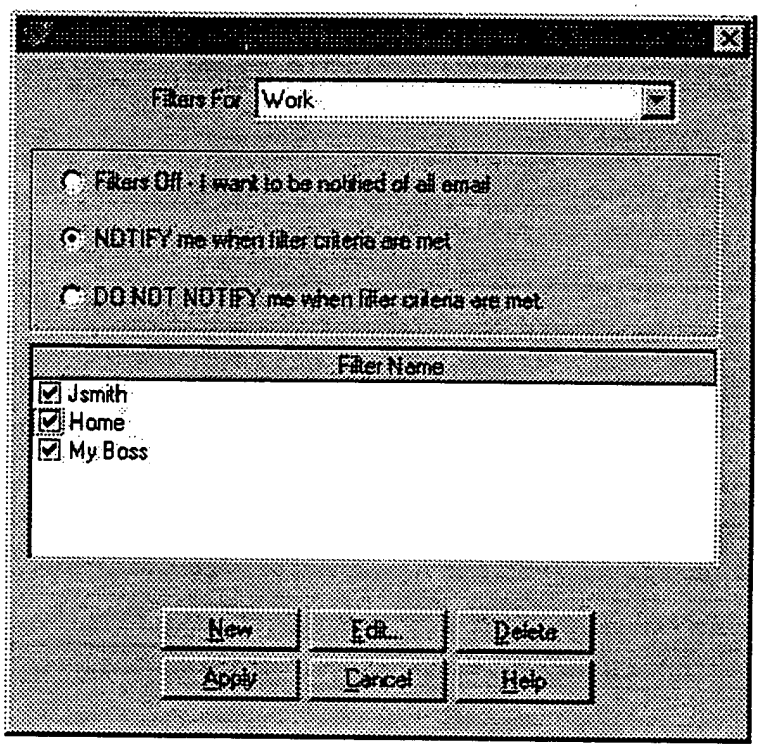


Figure 8

Select the Filter Option

Select the option that you want for your filters and check the box next to the filter name you would like

this option to apply to. ***Note***: You may deselect the checkbox next to any filter name to disable the filter. When finished select **Apply** to save the changes, and **OK** to close the Filters window.

Tips For Multiple Filters

You may create multiple filters, as shown in Figure 8. If you have Multiple filters defined, NotifyLink Standard follows your selected option (Notify me or Do Not Notify Me) when at least one of your filters is matched.

For Example: When the email matches ONE or ALL of your defined filters, as shown in Figure 8, Jsmith OR it matches Home, OR it matches My Boss, then the appropriate action is taken.

Editing Message Filters

To modify your existing email filters

1. Right click on the NotifyLink Standard icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Standard through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Filters.**
5. Select the desired mailbox from the **Filters For** drop down menu.
   In the **Filter Name** window, select the name of the filter you want to edit.
6. Select **Edit.**
   Make your changes in the **Filter** information box(s).
7. Select **OK** to set and return to **Filters.**
8. Verify the box next to the filter name is checked to enable the filter.
9. Select **Apply** if you have made changes, or **OK** to close the Filters window.

Deleting a Message Filter

To delete a message notification filter

1. Right click on the NotifyLink Standard icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Standard through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Filters.**
5. Select the correct mailbox from the **Filters For** drop down menu.
   In the **Filter Name** window, select the name of the filter you want to delete.
6. Select **Delete.**
7. Select **Yes** to confirm you want to delete the filter and to return to the Filters window, or **NO** to cancel and return to the Filters window

Note: To save a filter for future use, deselect the checkbox next to the filter name to disable it, rather than deleting it.

Top

Block

Blocks in the NotifyLink Standard program are really an interactive filter builder. Blocks will prevent

NotifyLink Standard from forwarding emails from specific email address to your device. As you receive emails on your device, you can respond to the message with a custom reply of "**Block**". From then on, when an email from that address arrives in your PC inbox, it not forwarded to your device. It remains in your inbox on your desktop. You may however, revisit this section at a later time and "unblock" any addresses, thereby allowing messages from that specific sender to once again be forwarded to your device.

The **UNBLOCK** command can be used to unblock an address you want to receive messages from.

Note: The list of Blocked email addresses, found in your configuration application, can be added to from your wireless device in response to unwanted email. NotifyLink Standard does not allow blocks to be added to the list from your PC. However, you can delete a blocked email address from the list from your PC, or from your wireless device by issuing the **UNBLOCK** command.

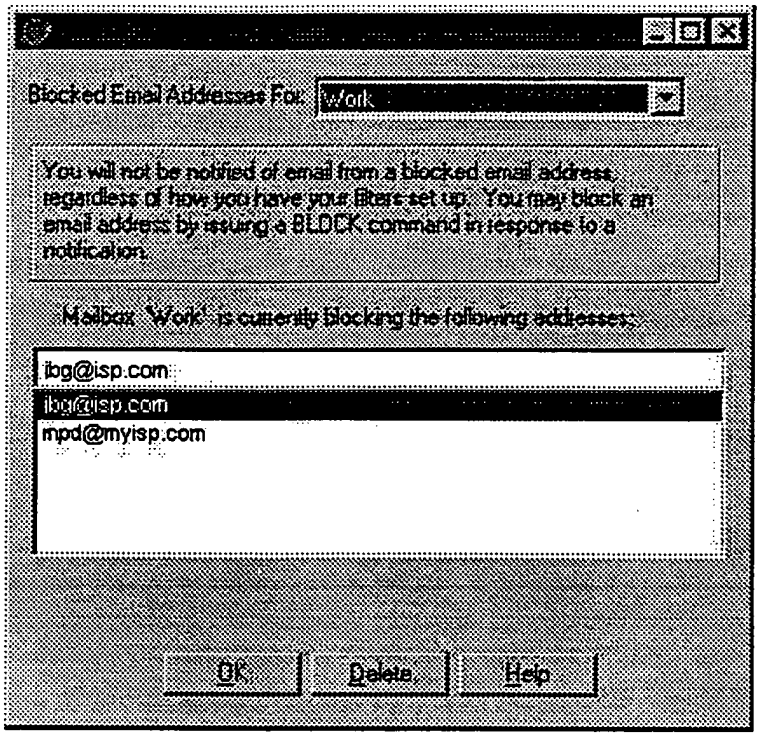


Figure 9

To View or Delete an Address From Your List of Blocked Email Addresses

1. Right click on the NotifyLink Standard icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Standard through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Blocks.**
5. Select the correct mailbox from the **Blocked Email Addresses For** drop down menu.
6. To **Delete a Block**, select the name of the address you want to delete, then select Delete.
7. Select **Yes** to confirm you want to delete the Block.
8. Select **OK** to close the window.

Top

Section 9 - Device Properties Screen

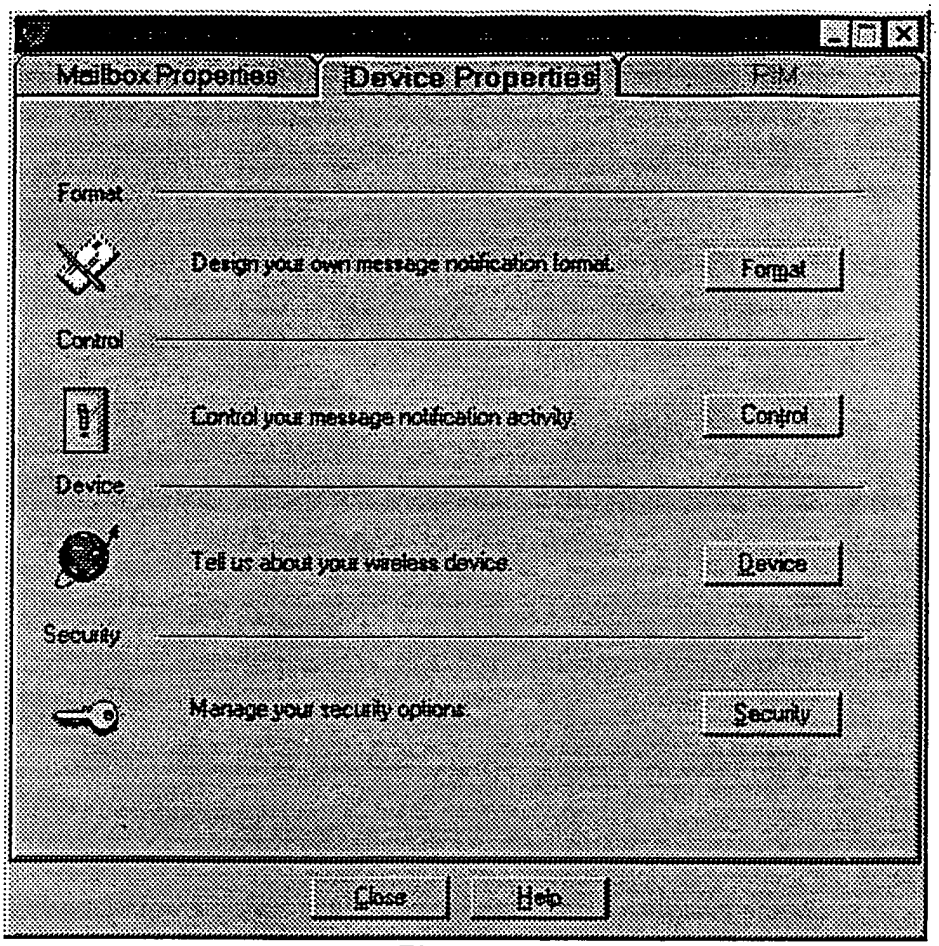


Figure 10

Top

Format

The Message Format screen allows you to specify and change what information and how much information you want on your wireless device. You can choose all or only select parts of your email. These are set for each Mailbox account.

This is where you may specify what elements are taken from the original email and forwarded to your device. The more header information you receive, the less text of an email you will be able to view. You need to complete these fields for each mailbox that forwards email to your device. You may find that you revisit this location frequently. This is where your Mailbox is important.

Include in Message Field

These 6 features determine what information is included with emails sent to your device. Keep in mind that every option you select counts as a portion of the number of characters sent to your device. Mailbox name is only relevant if you are using more than one email address with NotifyLink Standard and your device.

- **Mailbox Name:** Check this box ONLY if you have more than one email account set to forward messages to your device. It helps to differentiate between inboxes when you are checking email on your wireless device. Remember, these fields add characters to your message length.

- **Sender's Name/Address**: It is recommended that you check this box if you want to see the name and email address of the original sender of the email.
- **Subject:** Check this box if you want to view the subject of an email being received on your device.
- **Date:** Check this box if you want to view the date of an email being received on your device.
- **Time:** Check this box if you want to view the time of an email being received on your device.
- **Remaining Characters:** Check this box if you would like to view the number of remaining characters in an email being received on your device.
- **Attachments** - Although you are not able to read the Attachment on your wireless device, the following options are available for your message notifications:

Attachments

- **Send No Attachment Info:** Prevents any attachment information from being sent to your wireless device
- **Number of Attachments:** Provides the number of files attached to the email that was sent to your wireless device
- **Attachment Names:** Provides the names of the files attached to the email that was sent to your wireless device
- **Attachment Size:** Provides the size in Kilobytes of the files(s) attached to the email that was sent to your wireless device. This information can be enabled for both Number of Attachments and Attachment Names options. If you select either of these two, you may place a check in the box for the Attachment Size. ***Note:*** this option can only be selected when you have placed a check in the box next to either the Number of Attachments or the Attachments Names options.

Message Body

From the Message Body section in Format, you may select the following:

- **Send No Body:** Prevents the email body from being sent to your wireless device
- **Send Partial Body:** Forwards a portion of the email body to your wireless device. Use the arrows in the Notification Size box to select the number of desired characters. The maximum number you can select is dependent upon the billing package for your wireless device service.
- **Send Full Body:** Forwards the full email body, up to the maximum number of characters allowed by your wireless carrier. ***Note***: Check with your wireless provider for billing plans, restrictions, and additional information.
- **Notification Size:** The total number of email characters forwarded to your wireless device for each email. You may select the number of characters that you want to receive for each email notification using the up and down arrows. ***Note:*** If you include more information in your email notification header, fewer characters are available for the body of the email to be viewed on your device. For example, if you select 100 characters for the Notification Size, you will not be able to see much of you email message body.
- **MORE Command:** This is a command allows you to issue a reply from your device to receive more characters of an email. When sending a MORE command from your wireless device there are two ways the message can be sent. Select one of the following two options. The first option sends the message in increments according to the number of characters specified in the Notification Size setting. The second option sends the maximum number of characters, which are 500 for most wireless devices.

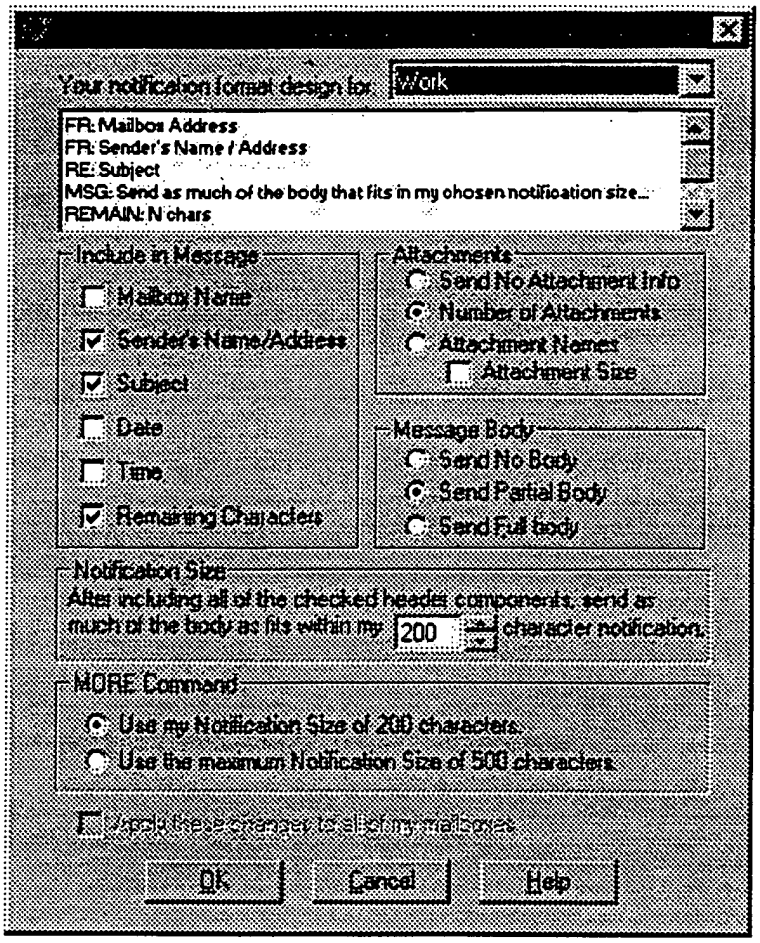


Figure 11

Customize your Message Format

1. Right click on the NotifyLink Standard icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Device Properties.**
4. Select **Format.**
5. Select the **Mailbox** name for the account you wish to design the Notification Format for from the drop down menu, as shown in Figure 11.
6. Place a check in the box(s) next to the information you want to include in your email notification. In the preview window, NotifyLink Standard enables you see changes to the email Format.
7. Select **Send No Attachments, Attachment Names**, or **Number of Attachments.** Select the additional information of the attachment size by placing a check a check in the box adjacent to this option.
8. Select **Send No Body, Send Partial Body**, or **Send Full Body**. ***Note***: Check with your wireless provider for billing plans, restrictions, and additional information.
9. Select the **Notification Size**, (from 100 to 500) you want to receive for each email notification. ***Note:*** This is the "total size" of your email notification, including all header information along with the body of your message. Your wireless carrier governs the maximum number of characters that can be sent per notification.
10. Select the amount of characters that you want to receive when you use the MORE command. You may choose to receive the same number of characters as your Notification Size in 9 above, or you may choose to receive the maximum amount of characters allowed by your carrier.

11. When finished, select **Apply** to save changes and **OK** to return to the **Device Properties** screen.

Top

Control

The **Control** options screen allows you to set options that effect all accounts.

- **Mark As Read:** When this box is checked, as new email arrives in your Inbox and is forwarded to your device, it is automatically become a read item in your Inbox on your PC.
- **Track Mobile Activity:** When Track Mobile Activity is activated, all activity of the NotifyLink Standard is tracked in your PC inbox and Sent items. When email is forwarded to your device, NotifyLink Standard places the additional email into your Sent Items folder on your PC. When you originate or forward an email from your device, that email appears in your Inbox on your PC. Deselection of Track Mobile Activity causes all notification emails sent to and created by NotifyLink Standard to be automatically cleared from the Inbox and Sent Items folders.
- **Screen Saver Activation:** Selection of this box causes NotifyLink Standard to automatically forward new emails to your device when you have disabled messaging and the screen saver on your PC activates. This can be useful when you spend time at your desktop PC and don't want to receive messages until your activation option has no effect. ***Note:*** Remotely disabling messaging overrides the Screen Saver Activation.
- **Send Error Messages:** When checked, this feature sends your wireless device an error message in the event that you have typed in a command incorrectly or performed a user error.

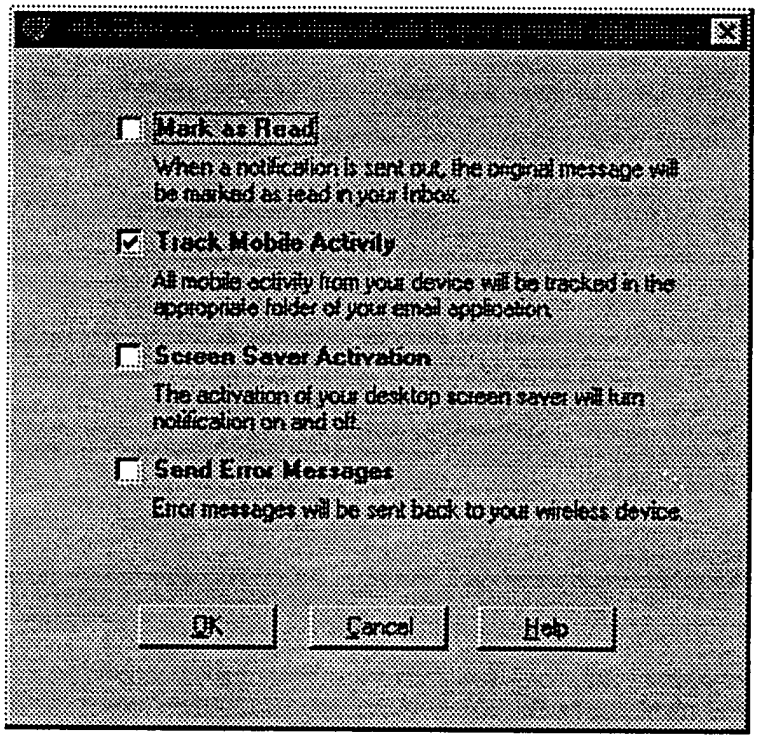


Figure 12

To Control Your Message Notification Activity

1. Right click on the NotifyLink Standard icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Standard through Start/Programs/Motorola MyMail/Motorola MyMail.

3. Select **Device Properties.**
4. Select **Control.**
5. Select **Mark as Read** by placing a check in the box to the left or disable by leaving the box to the left empty
6. Select **Track Mobile Activity** by leaving the box to the left checked or disable by placing a check in the box to the left or disable by leaving the box to the left empty.
7. Select **Screen Saver Activation** by placing a check in the box to the left or disable by leaving the box to the left empty.
8. Select **Send Error Messages** by placing a check in the box to the left or disable by leaving the box to the left empty.
9. When finished, select **OK** to save your selections and return to the **Device Properties** screen.

Top

Device

This is a great place to simply verify that all of the information is correct: Service Provider, Notification Device, Wireless Address, any aliases. This screen displays the settings that were created when you went through First Time Setup.

To view your Wireless Provider information

1. Right click on the NotifyLink Standard icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Standard through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Device Properties.**
4. Select **Device.**

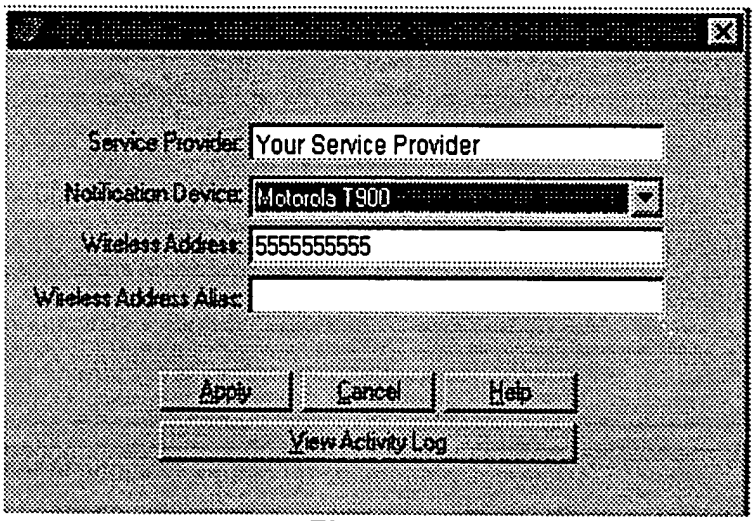


Figure 13

- **Service Provider:** This is the name of the wireless service provider from which you bought your wireless device, and that provides your messaging service. This option cannot be modified.
- **Notification Device:** This is the name of the device that receives your NotifyLink Standard message notifications.
- **Wireless Address:** This is your Personal Identification Number (i.e. the telephone number of your messaging device)

- **Wireless Address Alias:** If your Wireless Device has been assigned an alias, enter the alias here. This information is required so the PC can identify your Wireless Device when you send messages. Your carrier, not NotifyLink Standard, enables your Alias.
- **View Activity Log:** You may view your Activity Log by selecting **View Activity Log**. This information provides the number of characters associated with your transactions.

    - **Clear Log:** This removes all data in the log.
    - **Print:** This prints the log on your default printer
    - **Export to File:** This will allow you to save the log to a file in the same directory that NotifyLink Standard is installed
    - Select **Close** to return to the Device Information Screen

- Select **Apply** to save any changes and **OK** to return to the Device Properties screen

Top

Security

This feature is not available.

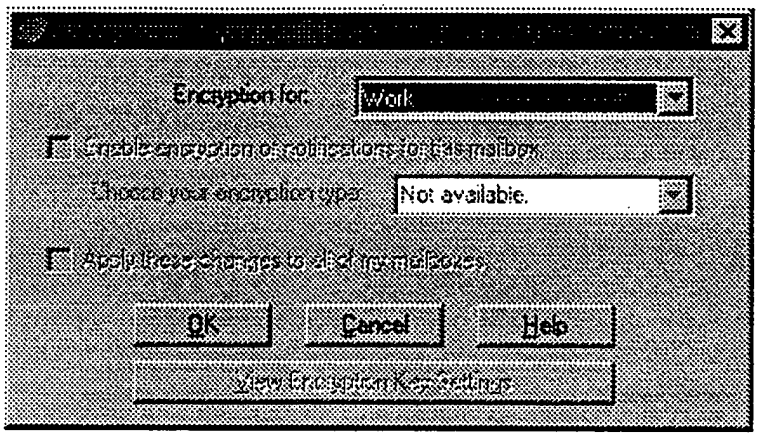


Figure 14

Top

Section 10 - PIM (Personal Information Management)

This feature is not available in this version.

Section 11 - Executing Commands From Your Device

You can reply to any notification received on your wireless device. Replies to notifications are sent back to the sender of the email and will look as if they were sent from your email account, rather than your wireless device.

There are many commands that can be used with NotifyLink Standard. Commands allow more flexibility in managing your email account from your wireless device. For example, you can send email from your device using NotifyLink Standard. This is useful if you want your messages to display as if they are being sent from your email address rather than your wireless device.

When you send a command from your wireless device, you must send the email to your PC email address. In essence, you are sending a message to the NotifyLink Standard software on your PC and telling it what to do. To simplify sending commands, add your PC email address to the address book on your wireless device.

Creating an Address Book Record on Your Wireless Device

1. From the Main Menu press ^ or v to highlight address Book then press ENTER.
2. Press ^ or v to highlight New Entry then press ENTER.
3. Type a name (for example PC) in the Name field and press ENTER. ***Note:*** The PC example is referred to throughout the User's Guide.
4. Using ^ or v to highlight E-Mail Address then press ENTER.
5. Type in the email address of your PC (Example: myname@mycompany.com) then press ENTER
6. Press ^ or v to highlight Save Entry then press ENTER. ENTRY SAVED is displayed when complete.

Below is a list of the Commands that are available. ***Note:*** **Commands are not case sensitive.** To view instructions on how to issue them with your wireless device, click on any command.

List of Commands

Canned Replies

The following commands are issued in response to email notifications sent to your device by the NotifyLink Standard software. They are added to your wireless device Canned Reply list.

Note: these Commands are **NOT** case sensitive.

- MORE
- DELETE

Custom Replies

The following commands can be initiated from the device as new email. Send these commands to your PC email address running NotifyLink Standard.

Note: these Commands are **NOT** case sensitive.

- ALL
- FORWARD
- EMAIL

- BLOCK
- UNBLOCK
- NOTIFY ON
- NOTIFY OFF
- CATCHUP

Requesting to See MORE or ALL of a Message

Depending on how you set up your notification format, your initial notification may be limited. If you select fewer than 200 characters per notification, you may not see much of the actual body of the email message. If you want to see **MORE** of the message, use a pre-programmed reply to request NotifyLink Standard to send you more information. If you want to see ALL of the message, use a custom reply of 'ALL'.

The **MORE** command directs NotifyLink Standard to send you as many additional characters of the message body as will fit into one notification based upon the size you have specified during your account configuration (100 characters, 200, etc.). Remember that your header information counts as characters along with the body of your email.

Sending the Pre-Programmed Request for MORE Information

1. While previewing or reading the message, press SYMBOL MENU/SPACE to access the Message Options menu.
2. Press ^ or v to highlight Reply to Message then press ENTER. Your wireless device displays the list of pre-programmed reply messages from which you can choose.
3. Press ^ or v to highlight MORE then press ENTER. Your wireless device displays MESSAGE TRANSMITTING and an arrow (ã) flashes to the left of the message to indicate your request for more information is in progress.
4. If your request is transmitted successfully, a check (ü) is displayed to the left of the message on the Message Preview screen. If your request was unsuccessful, a r displays to the left of the message. If your request was unsuccessful, try again.

The **ALL** command directs NotifyLink Standard to send you the remainder of an email to your wireless device. The remainder is sent in multiple notifications, up to a total of 2K bytes. The size of the notifications NotifyLink Standard is determined by your Service Provider's maximum notification size. If the email was larger than 2K bytes, you can issue another **ALL** command.

Note: the **ALL** messages may arrive at your wireless device out of order. NotifyLink Standard has no control over. It is the order that you wireless service provider is sending the emails to your wireless device. NotifyLink Standard places an ID number followed by a Sequence number at the top of notifications sent to your device.

Example: ID:A00415-1

- The ID number is A00415
- The Sequence number is 1

The Sequence number **increases** to denote the order in which to read them. The following example shows four ID and Sequence numbers as they would appear in four separate notifications.

Example: ID:A00415-1; ID:A00415-3; ID:A00415-4;ID:A00415-2

Sending the ALL command as a Custom Reply

1. While previewing or reading the message, press SYMBOL MENU/SPACE to access the Message Options menu.
2. Press ^ or v to highlight Custom Reply to Message then press ENTER.
3. Type All then press ENTER. Your wireless device will display MESSAGE TRANSMITTING and an arrow (ã) flashes to the left of the message to indicate your request for all of an email is in progress.
4. If your request is transmitted successfully, a check (ü) is displayed to the left of the message on the Message Preview screen. If your request was unsuccessful, a x is diaplayed to the left of the message. If your request was unsuccessful, try again.

Reply to a Person Who Sent You an Email Message

When you receive a NotifyLink Standard email notification, you may reply to the sender of the email message using your wireless device. Your wireless device transmits your message to (your PC email address that is set-up to work with) the NotifyLink Standard software. NotifyLink Standard creates a new email message containing your reply and send it back to the sender.

The sender receives your reply, and since NotifyLink Standard uses your own PC email address as the return address, It appears that you replied from your computer.

Sending a Reply

1. While previewing or reading the message, press SYMBOL MENU/SPACE to access the Message Options menu.
2. Press ^ or v to highlight Custom Reply to Message then press ENTER.
3. Press ^ or v to highlight Custom Reply then press ENTER.
4. Type your message and press ENTER.
5. To send the reply, press ^ or v to highlight Send Message

Forward an Email Message to Another Person

When you receive a NotifyLink Standard email notification, you can forward the email, including any attached files, to another person. ***Note:*** Do not confuse the T900 Message Option of Forward Message with the Motorola MyMail Custom Reply **Forward** command.

To Forward an Email Message

1. While previewing or reading the message, press SYMBOL MENU/SPACE to access the Message Options menu.
2. Press ^ or v to highlight Reply to Message then press ENTER.

3. Press ^ or v to highlight Custom Reply then press ENTER.
4. You will now be able to type the command to forward the email message. Start your reply with the command, **FORWARD**, a space and the message tag, **TO:** followed by the email address of the person you want to forward the message, then a space and the message tag, **BD:** and any additional comments you want to attach (additional comments are optional).

   Example

   FORWARD TO: johnsmith@xyz.com BD: Hey John, I thought you'd like to see this message from the boss. Let's talk later, OK? Bill

5. When you have completed your message, press ENTER.
6. To send the reply, press ^ or v to highlight Send Message

Deleting an Email Message

When you receive a NotifyLink Standard email notification, you can delete the original email from your PC Inbox. The deleted email messages is moved to your "Deleted Items" folder.

1. While previewing or reading the message, press SYMBOL MENU/SPACE to access the Message Options menu.
2. Press ^ or v to highlight Reply to Message then press ENTER. Your communicator will display the list of pre-programmed reply messages from which you can choose.
3. Press ^ or v to highlight DELETE then press ENTER. Your request is transmitted, and NotifyLink Standard deletes the email message from your PC.

Originating an Email From Your Device

When you compose a new email using your device you may either:

- Have it appear to have originated from your PC email address
- Have it originate from your device with your regular wireless device email address. To send a message from your Wireless Device without using NotifyLink Standard, refer to your wireless device's User's Guide

When you compose a new email message from your wireless device, and you want the message to appear to have been sent from your PC email application, you must send the email to your PC email address.

In essence, you are sending a message to the NotifyLink Standard software on your PC and telling it what you want to do. Your message acts like a remote control directing your NotifyLink Standard 'assistant' to send a message for you. To simplify creating your messages, add your PC email address to the address book on your wireless device.

Originating an Email Using Your Messaging Device

To compose an email message, and have it appear as if it were sent from your PC email address:

1. From the Send Message Menu press ^ or v to highlight Select Address then press ENTER.
2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.
4. Press ^ or v to highlight E-Mail Address then press ENTER.
5. Press ^ or v to highlight Write Message then press ENTER.
6. Compose your message using the following format:

   Start your message command EMAIL followed by the message tag, **TO:** followed by the email address of the person you want to send the message. Then type a space and the message tag, **SU:** or **RE:** followed by the subject of your message. Type the message tag, **BD:** then the body of your message. If you want to send a copy or a 'blind' copy of your message to someone, use the message tag CC: or BCC: followed by the appropriate email address.

   Example:

   Email TO:johnsmith@xyz.com SU:Lunch BD:Hey John, I can't have lunch with you today. Let's talk later. Sue BCC:pattyq@abc.com.

7. When you have finished composing your message then press ENTER.
8. Press ^ or v to highlight Send Message then press ENTER.
9. The display shows MESSAGE TRANSMITTING to inform you that your message is being sent.

Note: *If your device is experiencing difficulties, you may receive an error message, "Transmission Failed". If you do not receive an error message, but are experiencing delays in transmission, your wireless carrier may be experiencing difficulties.*

BLOCK or UNBLOCK a Specific Email Address

When you want to prevent messages from being sent to you from a specific email address, you may apply a **BLOCK** from your wireless device. This works just like blocking a call on your telephone. Once you have received a message, you can apply the block to the email address, and no further messages originated from that address are sent to your wireless device. A block is NOT the same as a filter (although some filters might act like a block), and a block can ONLY be applied from your wireless device. A block takes precedence over any filters that you may have in place.

To BLOCK Emails From a Specific Email Address

1. While previewing or reading the NotifyLink Standard notification (which has been sent from the address you want to block), press MENU/SPACE to access the Message Options menu.

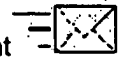
2. Press ^ or v to highlight Reply to Message then press ENTER.
3. Press ^ or v to highlight Custom Reply then press ENTER.
4. Type the command: BLOCK and press ENTER.
5. To send the command, press ^ or v to highlight Send Message then press ENTER. The command to BLOCK future messages from this email address is sent.

To UNBLOCK a Specific Email Address

1. From the Send Message Menu press ^ or v to highlight Select Address then press ENTER.
2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.
4. Press ^ or v to highlight E-Mail Address then press ENTER.
5. Press ^ or v to highlight Write Message then press ENTER.
6. Compose your message using the following format:

   UNBLOCK <ADDRESS>

   Where <ADDRESS> is the email address you want to unblock. Make sure there is a space between the command, UNBLOCK and the email address. The email address you type here must exactly match the email address which you previously blocked.

7. When you have finished composing your message, press ENTER.
8. From the Send Message menu press ^ or v to highlight  Send Message then press ENTER.

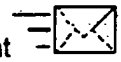
Turning NotifyLink Standard Notification ON or OFF

You have the option of turning your NotifyLink Standard Notification Service ON or OFF from either the PC application or from your two-way messaging device.

To turn your NotifyLink Standard Notification Service OFF either REPLY to a notification or originate a new message your PC email address.

To REPLY to Turn Notification OFF

1. While previewing or reading a NotifyLink Standard notification, press SYMBOL MENU/SPACE to access the Message Options menu.

2. Press ^ or v to highlight Reply to Message then press ENTER.
3. Press ^ or v to highlight Custom Reply then press ENTER.
4. Type the command, NOTIFY OFF then press ENTER.
5. To send the command, press ^ or v to highlight  Send Message then press ENTER. The command to turn your notification service OFF is sent.

To Originate a New Message to Turn Notification OFF or ON

1. From the Send Message Menu press ^ or v to highlight Select Address then press ENTER.
2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.
4. Press ^ or v to highlight E-Mail Address then press ENTER.
5. Press ^ or v to highlight Write Message then press ENTER.
6. Compose your message using the following format:

   To turn notification service OFF, type NOTIFY OFF.

   To turn notification service ON, type NOTIFY ON.

7. When you have finished composing your message, press ENTER.
8. From the Send Message menu press ^ or v to highlight Send Message and press ENTER.

Checking for New Email Messages

You have the option of requesting a check for new email messages when you have had Notification OFF or Messaging Disabled.

To ask NotifyLink Standard to check for new messages, you must send your request to your PC email address.

To Check for New Emails

1. From the Send Message Menu press ^ or v to highlight * Select Address then press ENTER.
2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.

4. Press ^ or v to highlight E-mail Address then press ENTER.
5. Press ^ or v to highlight Write Message then press ENTER.
6. Type the command: CATCHUP
7. Press ENTER.
8. Press ^ or v to highlight Send Message then press ENTER.

Using "Tags" to Format Your Email Messages

NotifyLink Standard uses "Tags" to format email messages so that you can tell your NotifyLink Standard 'assistant' how your messages should appear.

Tags are predefined, reserved words that are used when you compose an email to tell NotifyLink Standard how you want your messages to appear. Tags, which are used for NotifyLink Standard messages, include the following:

- TO:
- CC:
- BCC:
- SU:
- RE:
- BD

Tags may appear in any order. For example, you may type the body of your message, and then CC: and/or BCC: at the end of the message. Or you may put the CC: first. Be sure to include the colon with each tag (CC: - not CC).

You may also specify multiple Tags. In order to use multiple Tags, they must be separated by a space, a semi-colon, or a comma.

Each tag is discussed in more detail below.

TO:

This tag precedes the email address of the person (or persons) to whom you are sending your message. When you type this tag, NotifyLink Standard will know that the address that follows it is the person to whom you want to send your message. The format is:

TO: email@address.com

If you want to send your message to more than one person, there are two ways to construct the Tags:

1. You may use the TO: tag with each address.

   TO: email1@address.com **SU:** this is the subject **TO:** email2@address.com

2. You may also use one TO: Tag with multiple email address seperated by a comma, a space, or a semi-colon.

   TO: email1@address.com
   email2@address.com,email3@address.com;email4@address.com

CC: and BCC:

These tags are used to send a copy or a 'blind' copy of your message to another person. The format is:

CC: email@address.com

BCC: email@address.com

If you want to copy or 'blind' copy more than one person, use the CC: or BCC: tag with each address.

SU: and RE:

These tags both refer to the subject of your message, and can be used interchangeably. When you type either of these tags, NotifyLink Standard will know that the text that follows is the subject of your message. Type either one of the tags and then the subject of your message. The format is:

SU: the subject of the message

RE: the subject of the message

BD:

This tag precedes the body text of your message. When you type this tag, NotifyLink Standard will know that the text that follows is the body of your email message. The format is:

BD: the body of the message

Top

Section 12 - Command Quick Reference

CLICK HERE FOR A PRINTER FRIENDLY VERSION OF THE COMMAND QUICK REFERENCE

You can reply to any notification received on your wireless device. Replies to notifications will be sent back to the sender of the email and will look as if they were sent from your email account, rather than your wireless device.

In addition, there are many commands which can be used with NotifyLink Standard. Commands allow you even more flexibility in managing your email account from your wireless device. For example, you can send emails from your device using NotifyLink Standard. This is used when you want your messages to appear as if they are being sent from your email address rather than your wireless device. Some commands require this use of Tags.

Click here for more information on using Tags.
Click on any command for a more detailed description.

The following commands can be used by replying to a notification.

Step 1: Select "Reply" to a notification.

Command	Definition	Step 2: How to Send
DELETE	Delete the email from the PC inbox	Select DELETE from list
MORE	Receive more of this email	Select MORE from list
ALL	Receive all of this email	Select Custom Reply and type ALL
FORWARD	Forward this email (including any attachments) to specified address	Type FORWARD TO: email@address.com BD: this is the message
BLOCK	Send no more notifications of email from this address	Type BLOCK

The following commands can be initiated from the device as a new email.

Step 1: Send these commands to your PC email address running NotifyLink Standard.

Command	Definition	Step 2: How to Send
CATCHUP	Check to see if I have new email and send all	Type CATCHUP
EMAIL	Send an email to specified address	Type EMAIL TO: email@address.com BD: this is the message
NOTIFY ON	Turn NotifyLink Standard email notification on	NOTIFY ON
NOTIFY OFF	Turn NotifyLink Standard email notification off	NOTIFY OFF
UNBLOCK	Begin sending notifications from a previously blocked address	UNBLOCK email@address.com

Commands Defined

DELETE: This command will tell NotifyLink Standard to delete the email from your PC inbox.

MORE: This command will tell NotifyLink Standard to send you more of the email to your wireless device. The size of the notification it will send is determined by the size you chose in the Device Properties - Format settings - MORE command.

ALL: This command will tell NotifyLink Standard to send you the remainder of the email to your wireless device. The remainder will be sent in multiple notifications up to a total of 2K bytes. The size of the notifications NotifyLink Standard will send is determined by your Service Provider's maximum notification size. If the email was larger than 2K bytes, you can issue another ALL command.

FORWARD: This command will tell NotifyLink Standard to forward the email to the <email@address.com> you typed in. Any attachments that were received will also be forwarded.

BLOCK: This command will tell NotifyLink Standard to send no more notifications of email from this email address.

CATCHUP: This command will tell NotifyLink Standard to check to see if you have new email since you last enabled messaging, and to send all to your wireless device. This command would only be necessary if you have turned NotifyLink Standard email notification off.

EMAIL: This command will tell NotifyLink Standard to send an email to the <email@address.com> you specified.

NOTIFY ON: This command will tell NotifyLink Standard to turn email notification on

NOTIFY OFF: This command will tell NotifyLink Standard to turn email notification off

UNBLOCK: This command will tell NotifyLink Standard to begin sending notifications again from a previously blocked <email@address.com>

Top

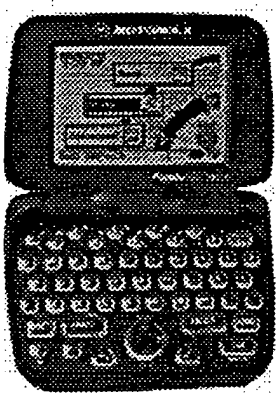
TRADEMARKS AND SERVICE MARKS

- MOTOROLA, the Stylized M Logo and all other trademarks indicated as such herein are trademarks of Motorola, Inc. Reg. U.S. Pat. & Tm. Off. All other product or service names are the property of their respective owners.

2001 Motorola, Inc. All rights reserved. Printed in the U.S.A.

NotifyLink Desktop

User's Guide



for the
P930, P935, and PageWriter™ 2000X
Personal Interactive Communicators

Table of Contents

Part 1 ▶Overview and Installation

Section 1 ▶What is NotifyLink Desktop?
Section 2 ▶Overview of System Architecture
Section 3 ▶PC System Requirements
Section 4 ▶Installation on Wireless Device
Section 5 ▶Installation on PC
Section 6 ▶First Time Setup
Section 7 ▶Microsoft Exchange Setup

Part 2 ▶NotifyLink Desktop - PC

Section 8 ▶System Tray Menu
Section 9 ▶Mailbox Properties Screen
▶Accounts
▶Folders
▶Filters
▶Block
Section 10 ▶Device Properties

Figure 1 ▶*Syste*
Figure 2 ▶*Syste*
Figure 3 ▶*Mailbo Scree*
Figure 4 ▶*Accou*
Figure 5 ▶*Folder*
Figure 6 ▶*Filters*
Figure 7 ▶*Filters*
Figure 8 ▶*Filters*
Figure 9 ▶*Blocke*
Figure10 ▶*Device*
Figure 11 ▶*Forma*
Figure 12 ▶*Contro*
Figure 13 ▶*Device*
Figure 14 ▶*Securit*
Figure 15 ▶*Securit*

▶Format — Figure 16 ▶PIM M
▶Control — Figure 17 ▶PIM C
▶Device — Figure 18 ▶PIM C
▶Security — Figure 19 ▶PIM T
Section 11 ▶PIM
Part 3 ▶NotifyLink Desktop - Wireless Device
Section 12 ▶Main Menu — Figure 20 ▶Main
Section 13 ▶Select Accounts/Read Function Screen — Figure 21 ▶Select
Section 14 ▶Message Area Screen — Figure 22 ▶Messa
Section 15 ▶File Reports Screen — Figure 23 ▶Messa
Section 16 ▶Contact Query Results Screen — Figure 24 ▶File R
Section 17 ▶Cleanup Options Screen — Figure 25 ▶Messa
Section 18 ▶Main Inbox/Message List Screen — Figure 26 ▶Conta
Section 19 ▶Main Inbox/Message Screen — Figure 27 ▶Clean
Section 20 ▶Outbox Screen — Figure 28 ▶Main I
Section 21 ▶Drafts Screen — Figure 29 ▶Messa
Section 22 ▶Trashcan Screen — Figure 30 ▶Outbo
Section 23 ▶Forward To Screen — Figure 31 ▶Drafts
Section 24 ▶Select Account/Write Screen — Figure 32 ▶Trashc
Section 25 ▶Recipients Screen — Figure 33 ▶Forwa
Section 26 ▶Preferences Screen — Figure 34 ▶New
Section 27 ▶PC Access Function — Figure 35 ▶Select
Section 28 ▶Security Screen — Figure 36 ▶Recipi
Section 29 ▶Calendar Screen — Figure 37 ▶Prefer
Section 30 ▶Contacts Screen — Figure 38 ▶PC Ac
Section 31 ▶Tasks Screen — Figure 39 ▶PC Ac
Section 32 ▶Commands For NotifyLink Desktop — Figure 40 ▶Securit
Section 33 ▶Hints and Tips — Figure 41 ▶Calen
Section 34 ▶Troubleshooting — Figure 42 ▶Calen
Figure 43 ▶Calen
Figure 44 ▶Calen
Figure 45 ▶Calen
Figure 46 ▶Conta
Figure 47 ▶Conta
Figure 48 ▶Conta
Figure 49 ▶Conta
Figure 50 ▶Task
Figure 51 ▶Task
Figure 52 ▶Task
Figure 53 ▶Task

Part 1 - Overview and Installation

Section 1 - What is NotifyLink Desktop?

NotifyLink Desktop is a personal computer (PC)-based software application that acts like a remote control for your PC email, giving you the freedom to manage your messages from any location. The NotifyLink Desktop uses ReFLEX® wireless network protocol, to integrate with your PC email application to handle the routing of your email messages to your wireless device.

Designed to work with both corporate and personal email systems, NotifyLink Desktop enables you to compose, read, reply to, and forward email messages using your wireless device. NotifyLink Desktop allows you to react quickly without the need for a laptop computer to access your email.

Messages are sent from your wireless device with your PC email address as the FROM address (just as if they were sent from your PC email application). This eliminates the confusion of separate PC and mobile email addresses. Using a single email address, you can receive email messages both in your PC mailbox and on your wireless device.

With NotifyLink Desktop, you decide which messages you want to see on your wireless device. To help reduce your airtime costs, you can filter which messages are sent to your wireless device. You can even control how much of an email message is sent. If you want to see more of a particular message, you can request additional text or you can wait until you return to your PC to read the entire message.

The advantage NotifyLink Desktop has over other wireless email applications is that it provides you with the option to keep a copy of the messages sent to and from your wireless device (copy is saved on your PC). Handling attachments is also a snap. NotifyLink Desktop advises you of the file name, the file size, or the number of file attachments of any attached files when you receive an email message. You can either forward the message along with the attachment to an associate, or wait until you return to the office to open and read the attachment. With your "Always On" connection, NotifyLink Desktop allows you to use your wireless device to compose and remotely send email messages with attachments.

Top

Section 2 - Overview of System Architecture

The operation of NotifyLink Desktop is shown in Figure 1.

- Email arrives at email Server (1).
- The NotifyLink Desktop application receives notification of email (2).
- NotifyLink Desktop processes the message and sends it to the ReFLEX network via the Internet (3).
- The network sends the message to your wireless device (4).

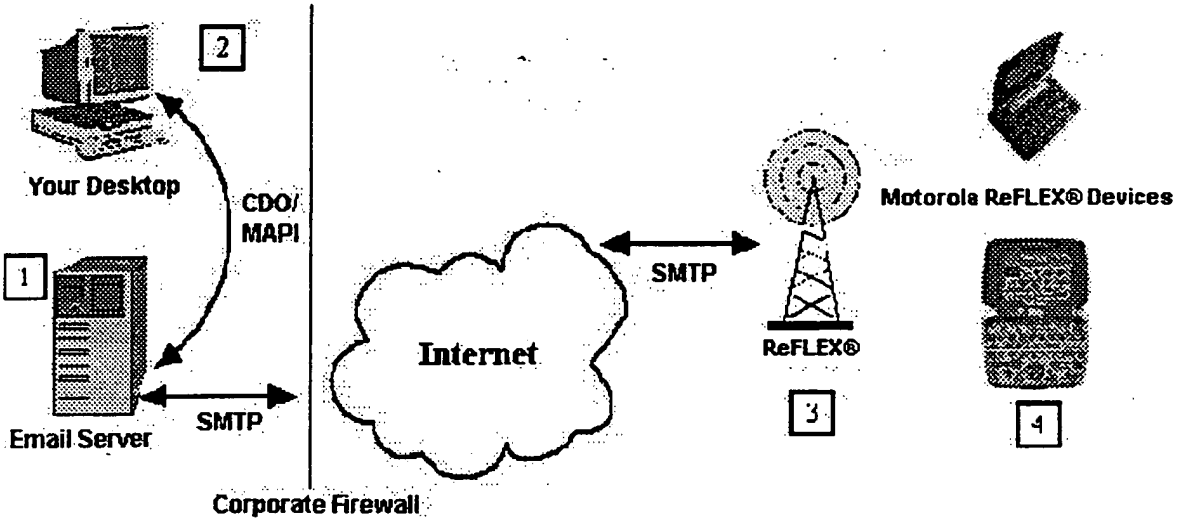


Figure 1

Top

Section 3 - PC System Requirements

Wireless Device Requirements:

NotifyLink Desktop works with any of the following device types/models that have the Motorola Wisdom™ Operating System 4.0:

- PageWriter 2000x
- Timeport P930
- Timeport P935

Wireless Device Memory Requirements:

You need 100 kilobytes of free memory on your device to install the NotifyLink Desktop application. Additional space is needed to store the notifications that you receive and messages that you send.

PC Requirements:

- Pentium Processor compatible or better with 20 MB of free hard disk space
- 64 MB RAM (or higher) recommended

Operating System Requirements:

- Microsoft Windows 95
- Microsoft Windows 98
- Microsoft Windows NT with Service Pack 4.0 or higher
- Microsoft Millennium
- Microsoft Windows 2000

Email Clients Supported:

- Microsoft Outlook.97

- Microsoft Outlook 98 (Corporate or Workgroup)
- Microsoft Outlook 2000 (Corporate or Workgroup)
- Outlook Express version 4.0 and later* (POP3)
- Netscape Communicator 4.x, where x is 5 or greater* (POP3)
- Eudora version 5.0 and later* (POP3)

Note: If you have just installed Outlook on your PC you need to open and run Outlook to complete the Outlook setup process.

**** Email Client Notes (Outlook Express, Netscape Communicator and Eudora):***

- POP3 email accounts are supported (IMAP email accounts are not supported). ***Note:*** When you defined/added your email account within your email software, it asked you what type of email server the email accounts used: POP3 or IMAP. The most common email server selected and used is **POP3**. If you are unsure of what type of email server you are using, please refer to your email client under your email account settings. For further instructions, please contact your Network Administrator or ISP.
- All email messages are marked as read.
- The email client must be left open for NotifyLink Desktop to work.
- Eudora has a security feature which prevents another program from sending mail in a hidden manner. It presents a dialog informing you that another program is trying to send a message without first showing it. You must wait for one email message to arrive and click the checkbox to *not show* this dialog in the future.
- Netscape Communicator places the words "No Subject" on outgoing email that has no subject.
- Netscape Communicator includes MIME (Multipurpose Internet Mail Extensions) info with plain text attachments when using the **forward** command or using the tag **att:**.

Other Requirements:

- MDAC 2.11 or higher. The Microsoft Data Access Components (MDAC) are the key technologies that enable Universal Data Access. They are installed with many different Microsoft products. When you run the installation program it checks and determines if these files need to be installed on your system.
- Microsoft Internet Explorer 4.0 or higher. ***Note:*** Internet Explorer does not have to be your default browser, it only has to be configured and ran at least one time.

Top

Section 4 - Installation on Wireless Device

You must first install the NotifyLink Desktop software on your Wireless Device.

You must use a computer that has an Infrared Port or the Deluxe Charger Base/Docking Station set up on it.

1. Select "**Click here to download** Motorola MyMail Install file for the wireless device". Save the file to your hard disk, make a note as to where it is saved. A dialog box displays showing the initial stages of the software installation. (Depending upon your browser software, you must then close the dialog box, or it closes automatically).
2. From your PC, go to "My Computer" (your hard disk).
3. Select the location where you saved the NotifyLink Desktop software to.
4. Select MyMail.exe. ***Note:*** Based upon your current files view setup in Windows Explorer, your file

names may not include .exe
5. Launch the application by double clicking on the file.
6. Start Infrared Monitor or make sure the Infrared Port is active.
7. Set the device in range of the Infrared beam so that a connection is made.
8. Double click the .exe file to begin installation.
9. Install the NotifyLink Desktop software on your PC

Note: You will not be able to send or receive messages until step 5 is completed and your device has received the account information.

If you give your wireless device to another person to use, the NotifyLink Desktop software will have to be re-installed on the device and synchronized before it will work for another user's settings. This means that your settings will be removed.

Top

Section 5 - Installation on PC

Before you begin the Installation Process, please complete the following:

Save any files that you are working on and close down all other programs currently running on your PC. ***Note:*** The installation may require that you reboot your PC multiple times.

Note: If you install the software in an office environment, you may not have sufficient privileges to download software. If you do not have authorization, contact your local System Administrator. If you install the software at your business and your business has firewalls setup, you may receive the following error message: "*Cannot connect. Please check your Internet connection.*" Please consult with your business Network Administrator before calling the Support department.

Install NotifyLink Desktop Software to Your Computer

Install the NotifyLink Desktop software files from the web site address you were given.

You may run the Installation two ways - **Download to your Hard Disk**, or **Run this Program from its current location**.

Download to your Hard Disk

1. Select "**Click here to download** Motorola MyMail Install file". Save the file to your hard disk, make a note as to where it is saved. A dialog box displays showing the initial stages of the software installation. (Depending upon your browser software, you must then close the dialog box, or it closes automatically).
2. From your PC, go to "My Computer" (your hard disk).
3. Select the location where you saved the NotifyLink Desktop software to.
4. Select MyMail.exe. ***Note:*** Based upon your current files view setup in Windows Explorer, your file names may not include .exe.
5. Select your preferred settings throughout the setup process. Suggested settings are provided. However, you must accept the license agreement to install the software. Also, you may want to check the box to add NotifyLink Desktop to your Startup Folder. ***Note:*** During this process, the software prompts you if you need to update your MDAC files. If so, download the file mdac_typ.exe and install.
6. After the Wise Installation Wizard has completed, Select **Finish** to exit.

Run this Program from its current location

1. Select "**Click here to download** Motorola MyMail Install file". Select **Run this program from its current location.**

2. Select your preferred settings throughout the setup process. Suggested settings are provided. However, you must accept the license agreement to install the software. Also, you may want to check the box to add NotifyLink Desktop to your Startup Folder. ***Note:*** During this process, the software prompts you if you need to update your MDAC files. If so, download the file mdac_typ.exe and install. ***Note:*** Based upon your current files view setup in Windows Explorer, your file names may not include .exe.
3. After the Wise Installation Wizard has completed, Select **Finish** to exit.

Top

Section 6 - First Time Setup

After you have installed the NotifyLink Desktop software application, you must run the **First Time Setup**.

First Time Setup

1. Go to the **Start** menu and run **Programs, Motorola MyMail, Motorola MyMail.** The setup wizard walks you through the necessary steps.
2. In the "First Time Setup" window, enter your First Name and Last Name in the Personal Information section.
3. In the **Device Information** section, type in the device Personal Identification Number (i.e., the telephone number of your messaging device) in the **Wireless Address** box. Type it again to confirm. If your Wireless Service Provider has assigned an **Alias to** your Wireless Device, you need to enter the alias in the **Wireless Address Alias** field. (*The Alias is only enabled by the carrier - not NotifyLink Desktop).*

   Wireless Address example: 5551234
   Wireless Address Alias example: john.smith

4. In the **Product Registration** section, enter in your **Product Key**.
5. Select **Continue** to proceed.
6. Select your Service Domain. Your Service Domain is located at the right of the @ symbol in your wireless address.
7. Select **Continue**.
8. If your PC is setup with a Microsoft Exchange Server, continue to Section 7. If your PC is not setup with a Microsoft Exchange Server, continue to Section 8.

Top

Section 7 - Microsoft Exchange Setup

If your PC is setup with a Microsoft Exchange Server account, the next window that displays is the Desktop Exchange Setup.

1. **Type in the default email address** for the account detected. For example, john.smith@company.com. If you need assistance, please contact your Network Administrator.
2. Type the same address again to confirm.
3. Select **OK** to proceed. NotifyLink Desktop takes you to the Configuration program where you can customize notification options.

Top

Part 2 - NotifyLink Desktop - PC

Section 8 - System Tray Menu

NotifyLink Desktop runs in your PC system tray. Various options are available when you right-click on the NotifyLink Desktop icon in the system tray, as shown in Figure 2.

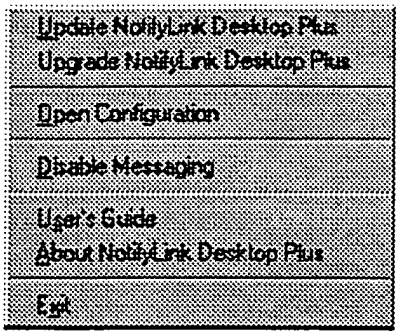


Figure 2

- **Update NotifyLink Desktop:** This menu option checks for software updates to the NotifyLink Desktop. If a new version is found, NotifyLink Desktop automatically performs an update. ***Note:*** When the application is launched, your software automatically checks for updates every 30 days. If a newer version is found, you may be required to restart your PC.
- **Upgrade NotifyLink Desktop:** This menu option is for users who have not yet upgraded their NotifyLink Desktop software. To upgrade, enter the Product Key you were provided when you purchase your upgrade.
- **Open Configuration:** This menu option allows you to open the NotifyLink Desktop software to modify your current settings. ***Note***: Email notification is disabled while you are in **Open Configuration**.
- **Disable Messaging/Enable Messaging:** This menu option allows you to enable or disable emails from being sent to your wireless device. To enable messaging, right click on the NotifyLink Desktop icon and select **Enable Messaging**. To disable messaging, right click on the NotifyLink Desktop icon and select **Disable Messaging**. ***Note:*** The Disable Messaging feature overrides the screen saver activation feature.
- **User's Guide:** This menu option enables you to view the User's Guide online. ***Note:*** Your PC must be currently connected to the Internet to view the User's Guide online.
- **About NotifyLink Desktop:** This menu option enables you to view the About notes for the NotifyLink Desktop software.

Top

Section 9 - Mailbox Properties Screen

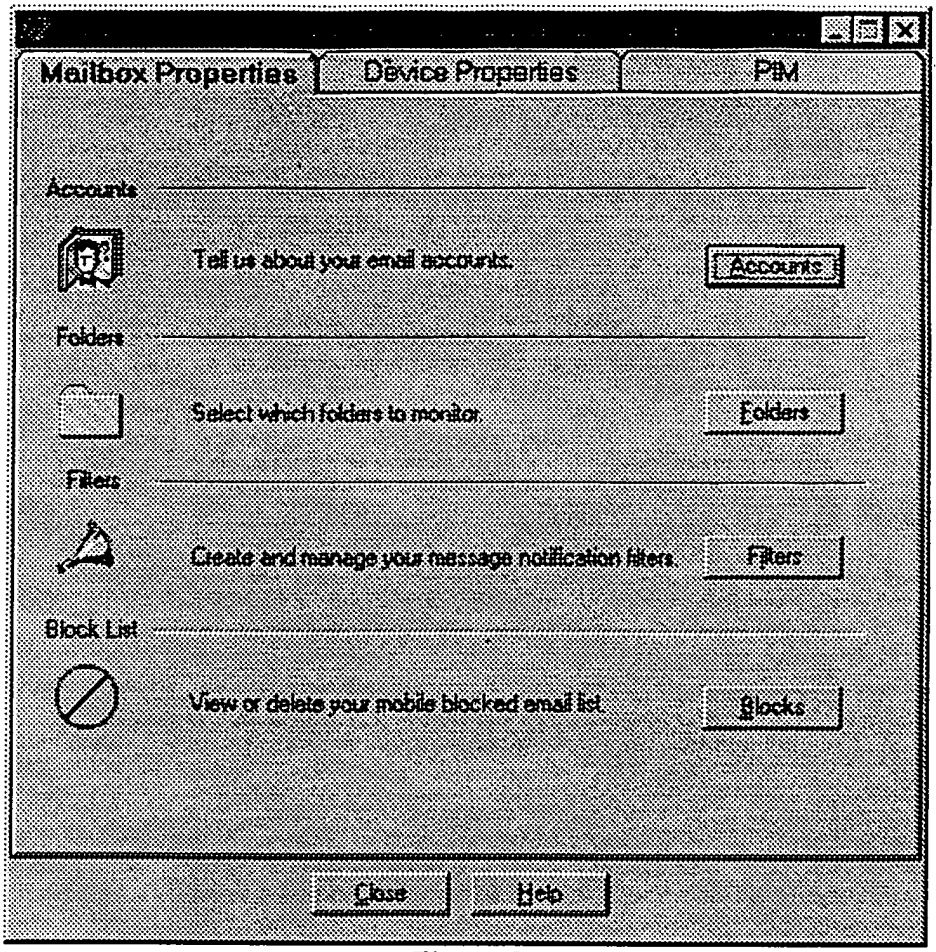


Figure3

Accounts

To Manage Your Account Options:

1. Right click on the NotifyLink Desktop icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Desktop through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Accounts**. The screen shown in Figure 4 is displayed.

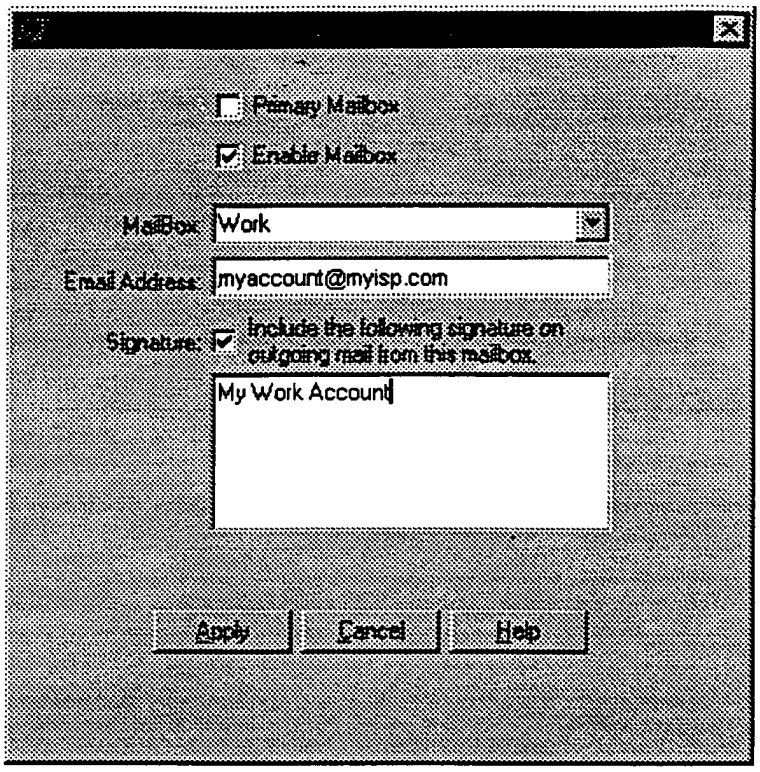


Figure 4

When opened, the configuration screen contains email information found during the installation process of the NotifyLink Desktop software. If you are using an Exchange Server, you must enter your default SMTP address used on the server. If you later add additional email accounts within your default email software, NotifyLink Desktop detects and adds those accounts the next time you start the program.

You may receive notification of email messages from multiple email accounts on your wireless device, but you must select which ones by enabling the checkbox for each account.

Defining Accounts

For *each* account that NotifyLink Desktop detects, you may specify the following:

- **Mailbox:** A name identifying your mailbox (e.g. - Office or Home). **Mailbox** names are limited to 8 characters.
- If only one email account is being used for messages to your device, NotifyLink Desktop shows your default mail account.

  If only one email account is being used for messages to your device, NotifyLink Desktop shows your default mail account.

  Some individuals have more that one email account. MyMail detects various accounts and assigns a generic name for each. You can highlight each and rename. This helps you identify which account received the message.

- **Email Address:** MyMail Desktop detects any email addresses that you have defined in your email client software. These accounts may have been detected on First Time Setup if they were present at the time. If so, they correspond with the **Mailbox** name you had defined.

You have three options for each email address:

- **Primary Mailbox:** Check this box to apply settings to the currently selected email account. This option is not shown on the default account or if you have one account.
- **Enable Mailbox:** You may enable or disable individual mailboxes. If you want NotifyLink Desktop to check this mailbox for messages, check **Enable Mailbox**. If you want to temporarily prevent NotifyLink Desktop from notifying you of messages in this mailbox, *do not* check **Enable Mailbox**.
- **Signature:** If you would like outgoing messages from your device to include a signature, check the **Signature** box and fill in the area below. This text is appended to the outgoing mail from the selected Mailbox. Your Signature is the text that you type in the Signature box. ***Note***: If you utilize the signature feature on your device and you place an additional signature in this field, your outgoing messages will have 2 signatures.

When finished, select **Apply** to set any changes and **OK** to return to the **Mailbox Properties** screen.

Top

Folders

MyMail continually scans folders for new email. By default, it scans only the Inbox. If all of your emails go directly into your Inbox, skip this section. . ***Note:*** This feature is not available if you are using Outlook Express, Netscape Communicator or Eudora.

When you use the "Outlook rules" feature, certain emails are automatically moved to specific folders. You may prefer to be notified when email arrives in those folders. If you organize email into separate folders by using "rules", the Folders option in NotifyLink Desktop allows you to select which folder(s) you want monitored. NotifyLink Desktop searches all of the selected folders for new email and, if it meets the criteria you have defined in NotifyLink Desktop's configuration, the emails are forwarded to your wireless device. For example, this feature could be used when you have separate sub-folders for each of your co-workers and your boss. By filtering, you can specify which individual's emails are forwarded by NotifyLink Desktop to your wireless device.

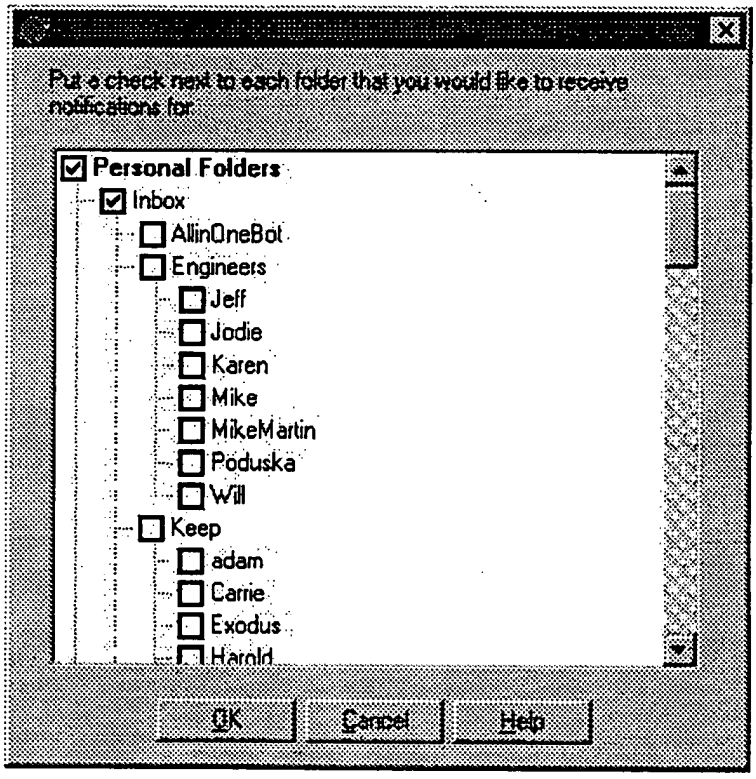


Figure 5

1. Right click on the NotifyLink Desktop icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Desktop through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Folders**. The screen shown in Figure 5 is displayed and shows all the Folders that have been created by you on your PC.
5. Place a check in the box to the left of the folder to enable it. ***Note***: The main folder Inbox *does not* need to be activated for the personalized subfolders under it to be selected, they are separate folders.
6. When finished, select **OK** to save your changes and close the Folders window.

Note: Your root folders (denoted in bold letters) are automatically checked and cannot be unchecked. This allows NotifyLink Desktop to monitor any additional folders that you may add in the future.

Top

Filters

It is recommended that you learn more about the types of email you do not want forwarded to your device before setting up Message Filters.

The Message Filters Screen allows you to control which messages are sent to your wireless device. For each mailbox account, you may specify criteria to define which emails you don't want to receive, or set criteria for those emails you want to receive.

Because Filters are specific for each Mailbox, before creating a **New** Filter, you must select the Mailbox you want the Filter setup for. When editing the filter make sure to specify the correct Mailbox from the drop down menu before proceeding.

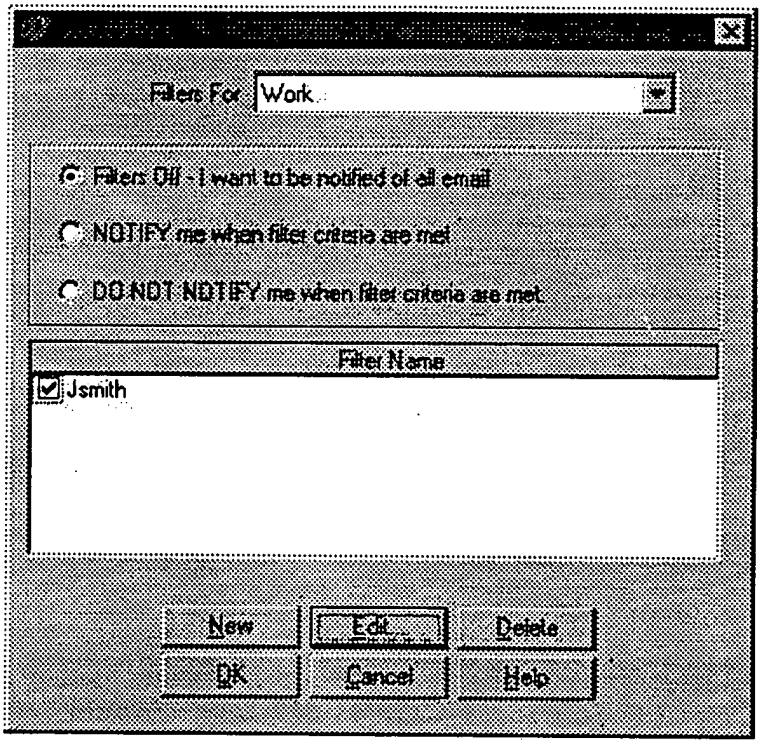


Figure 6

You may select from several different filter options.

Setting Up Message Filters

To Setup the Message Filter Criteria:

1. Right click on the NotifyLink Desktop icon (or) in your Windows System Tray.
2. Select **Open Configuration.** If you do not see either icon in your System Tray, double click on the NotifyLink Desktop icon on your PC or launch NotifyLink Desktop through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Filters.**
5. Select the desired mailbox from the **Filters For** drop down menu, shown in Figure 6.
6. Select **New.** This creates a new **Default Filter** in the **Filter Name** window, as shown in Figure 6.
7. Select the new filter then select Edit to open a new window, as shown in Figure 7.
8. In the Filter Name field enter a new filter name. This helps you to identify this filter in the future.
9. Define your filter criteria.

Define Filter Criteria

Select the criteria that you want to use to filter your mail:

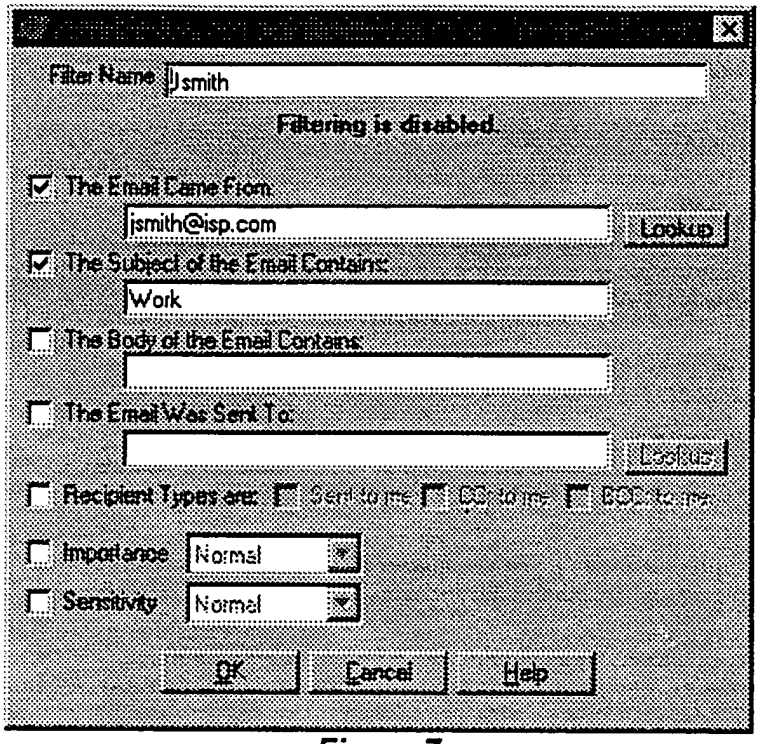


Figure 7

- **The Email Came From:** You may enter one email address, or multiple email addresses separated by a space, comma or semicolon. By using the Lookup button, you may access addresses contained in your email software address book. Filter matching is exact. In other words, you must enter the "Reply to" email address exactly as it is shown on emails which you receive.
- **The Subject of the Email Contains**: You may enter any word(s) separated by a space, comma or semicolon. Filter matching is exact. If you enter more than one word, then **all** of the words (in any order or placement) must be matched for the filter criteria to be met.
- **The Body of the Email Contains:** You may enter any word(s) separated by a space, comma or semicolon. Filter matching is exact. If you enter more than one word, then **all** of the words (in any order or placement) must be matched for the filter criteria to be met.

- **The Email Was Sent To:** You may enter one email address, or multiple email addresses separated by a space, comma or semicolon. By using the Lookup button, you may access addresses contained in your email software address book. Filter matching is exact. In other words, you must enter the "Reply to" email address exactly as it is shown on emails which you receive.
- **Recipient Types are:**

    - **sent to me:** This feature matches email that is in the to: field of the email address.
    - **cc: to me:** This feature matches email that is in the cc: field of the email address.
    - **bcc: to me:** This feature matches email that is in the bcc: field of the email address.

- **Importance:** This feature is not supported in all email software packages and works only if your software *and the sender's software* supports it. You may select **Normal**, **High** or **Low** as the minimum importance of the messages for your filter. ***Note:*** Messages AT or GREATER than the importance option that you select meets the filter criteria, (e.g. messages marked **Normal** do not meet the criteria if **High** is selected.)
- **Sensitivity:** This feature is not supported in all email software packages and works only if your software *and the sender's software* supports it. You may select **Normal**, **Personal**, **Private** or **Confidential**. ***Note:*** Only messages marked with the specific option that you select meets the filter criteria, (e.g. messages marked Confidential do not meet the criteria if Private is selected.)

Tips For Multiple Fields Within One Filter

You may select one or more types of filter criteria. When using multiple criteria, **ALL** fields that you selected must match the email. For example, The email Came From "jsmith@isp.com" **AND** The Subject of the email Contains "*Work*".

10. After you are finished selecting your filter criteria, click **OK** to return to **Filters**.

Repeat steps 1 - 10 for each filter that you want to set up. Figure 8 shows that 3 filters were setup.

After you have finished setting up your filters, you may choose from one of three options for using them.

1. **Filters Off** - I want to be notified of all email
2. **NOTIFY** me when filter criteria are met
3. **DO NOT NOTIFY** me when filter criteria are met

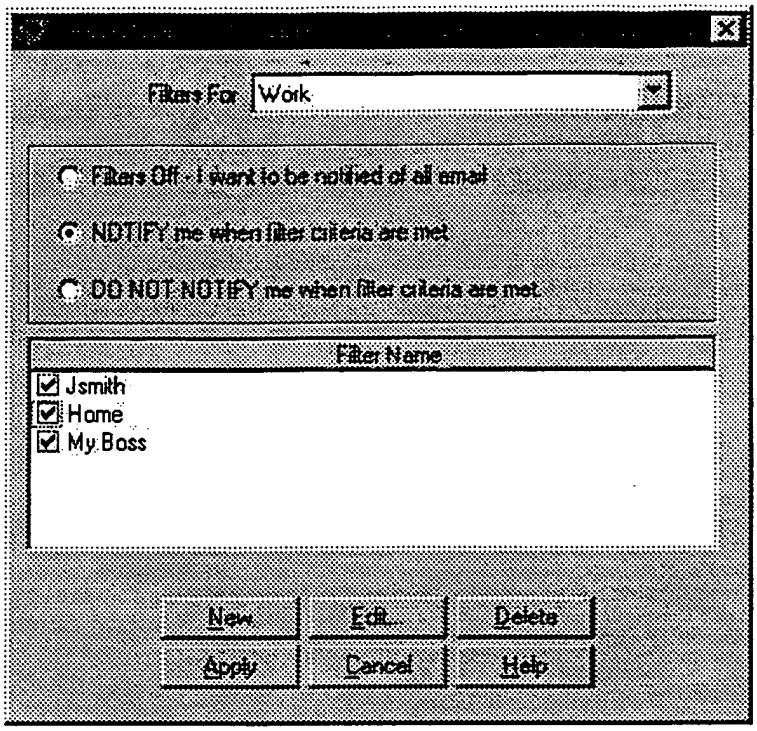


Figure 8

Select the Filter Option

Select the option that you want for your filters and check the box next to the filter name you would like this option to apply to. ***Note***: You may deselect the checkbox next to any filter name to disable the filter. When finished select **Apply** to save the changes, and **OK** to close the Filters window.

Tips For Multiple Filters

You may create multiple filters, as shown in Figure 8. If you have Multiple filters defined, NotifyLink Desktop follows your selected option (Notify me or Do Not Notify Me) when at least one of your filters is matched.

For Example: When the email matches ONE or ALL of your defined filters, as shown in Figure 8, Jsmith OR it matches Home, OR it matches My Boss, then the appropriate action is taken.

Editing Message Filters

To modify your existing email filters

1. Right click on the NotifyLink Desktop icon (or) in your Windows System Tray.
2. Select **Open Configuration.** If you do not see either icon in your System Tray, launch NotifyLink Desktop through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Filters.**
5. Select the desired mailbox from the **Filters For** drop down menu.
   In the **Filter Name** window, select the name of the filter you want to edit.
6. Select **Edit.**
   Make your changes in the **Filter** information box(s).
7. Select **OK** to set and return to **Filters.**
8. Verify the box next to the filter name is checked to enable the filter.
9. Select **Apply** if you have made changes, or **OK** to close the Filters window.

Deleting a Message Filter

To delete a message notification filter

1. Right click on the NotifyLink Desktop icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Desktop through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Filters.**
5. Select the correct mailbox from the **Filters For** drop down menu.
   In the **Filter Name** window, select the name of the filter you want to delete.
6. Select **Delete.**
7. Select **Yes** to confirm you want to delete the filter and to return to the Filters window, or **NO** to cancel and return to the Filters window

Note: To save a filter for future use, deselect the checkbox next to the filter name to disable it, rather than deleting it.

Top

Block

Blocks in the NotifyLink Desktop program are really an interactive filter builder. Block prevents NotifyLink Desktop from forwarding emails from a specific email address to your device. As you receive emails on your device, you can respond to the message with a custom reply of **block**. From then on, when an email from that address arrives in your PC inbox, it is not forwarded to your device. It remains in your inbox on your desktop. You may however, revisit this section at a later time and **unblock** any addresses, thereby allowing messages from that specific sender to once again be forwarded to your device.

The **unblock** command can be used to unblock an address you want to receive messages from.

Note: The list of Blocked email addresses as shown in Figure 9, found in your configuration application, can be added to your wireless device in response to unwanted email. NotifyLink Desktop does not allow blocks to be added to the list from your PC. However, you can delete a blocked email address from the list from your PC, or from your wireless device by issuing the **unblock** command.

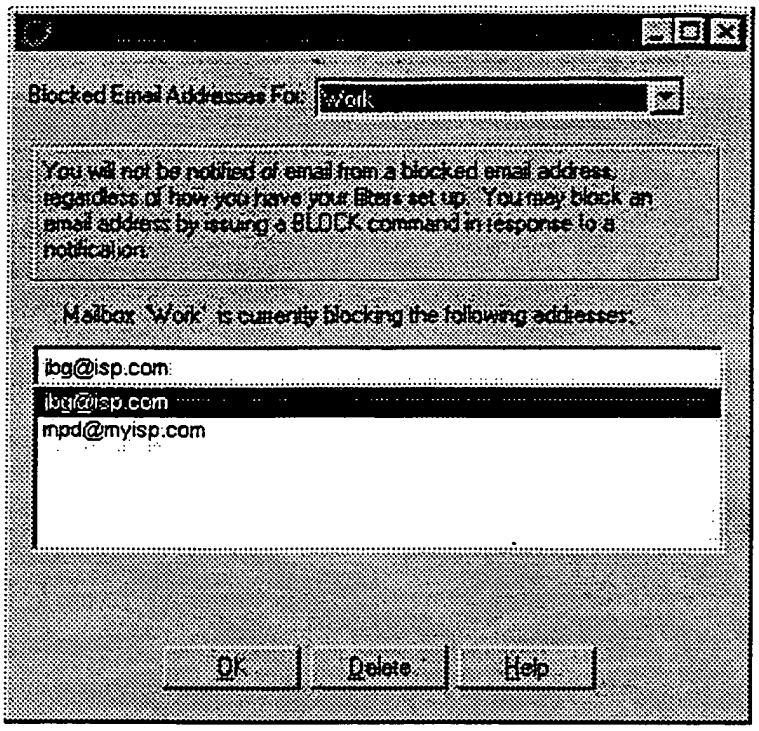


Figure 9

To View or Delete an Address From Your List of Blocked Email Addresses

1. Right click on the NotifyLink Desktop icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Desktop through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Blocks.**
5. Select the correct mailbox from the **Blocked Email Addresses For** drop down menu.
6. To **Delete** a **Block**, select the name of the address you want to delete, then select Delete.
7. Select **Yes** to confirm you want to delete the Block.
8. Select **OK** to close the window.

Top

Section 10 - Device Properties Screen

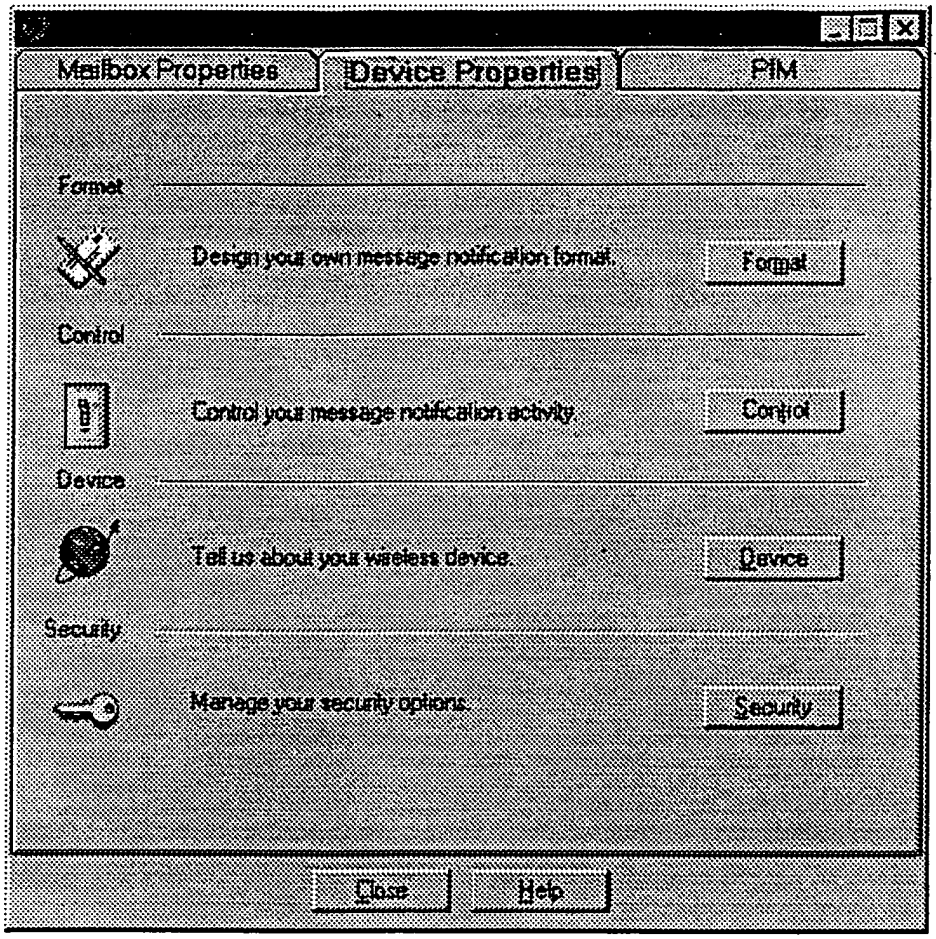


Figure 10

Top

Format

The Message Format Screen, as shown in Figure 10, allows you to specify and change what information and how much information you want on your wireless device. You can choose all or only select parts of your email. These are set for each Mailbox account.

This is where you may specify what elements are taken from the original email and forwarded to your device. The more header information you receive, the less text of an email you will be able to view. You need to complete these fields for each mailbox that forwards email to your device. You may find that you revisit this location frequently.

Include in Message Field

These features determine what information is included with emails sent to your device. Keep in mind that every option you select counts as a portion of the number of characters sent to your device.

- **Mailbox Name:** This option is not applicable to this version.
- **Sender's Name/Address**: It is recommended that you check this box if you want to see the name and email address of the original sender of the email.
- **Subject:** Check this box if you want to view the subject of an email being received on your device.
- **Date:** Check this box if you want to view the date of an email being received on your device.
- **Time:** Check this box if you want to view the time of an email being received on your device.

- **Remaining Characters:** Check this box if you would like to view the number of remaining characters in an email being received on your device.
- **Attachments** - Although you are not able to read the Attachment on your wireless device, the following options are available for your message notifications:

Attachments

- **Send No Attachment Info:** Prevents any attachment information from being sent to your wireless device
- **Number of Attachments:** Provides the number of files attached to the email that was sent to your wireless device
- **Attachment Names:** Provides the names of the files attached to the email that was sent to your wireless device
- **Attachment Size:** Provides the size in Kilobytes of the files(s) attached to the email that was sent to your wireless device. This information can be enabled for both Number of Attachments and Attachment Names options. If you select either of these two, you may place a check in the box for the Attachment Size. ***Note:*** this option can only be selected when you have placed a check in the box next to either the Number of Attachments or the Attachments Names options.

Message Body

From the Message Body section in Format, as shown in Figure 11, you may select the following:

- **Send No Body:** Prevents the email body from being sent to your wireless device
- **Send Partial Body:** Forwards a portion of the email body to your wireless device. Use the arrows in the Notification Size box to select the number of desired characters. The maximum number you can select is dependent upon the billing package for your wireless device service.
- **Send Full Body:** Forwards the full email body, up to the maximum number of characters allowed by your wireless carrier. ***Note***: Check with your wireless provider for billing plans, restrictions, and additional information.
- **Notification Size:** The total number of email characters forwarded to your wireless device for each email. Using the up and down arrows, you may select the number of characters that you want to receive for each email notification. ***Note:*** If you include more information in your email notification header, fewer characters are available for the body of the email to be viewed on your device. For example, if you select 100 characters for the Notification Size, you will not be able to see much of you email message body.
- **MORE Command:** This is a command allows you to issue a reply from your device to receive more characters of an email. When sending a more command from your wireless device there are two ways the message can be sent. Select one of the following two options. The first option sends the message in increments according to the number of characters specified in the Notification Size setting. The second option sends the maximum number of characters, which are 500 for most wireless devices.

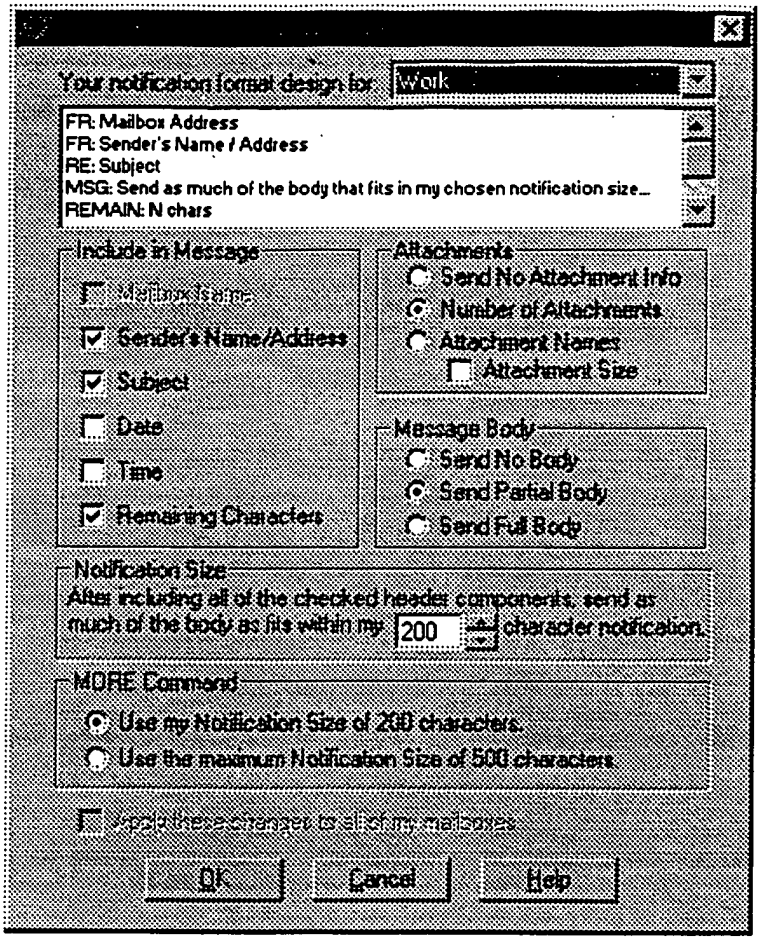


Figure 11

Customize Your Message Format

1. Right click on the NotifyLink Desktop icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Device Properties.**
4. Select **Format.**
5. Select the **Mailbox** name for the account you wish to design the Notification Format for from the drop down menu, as shown in Figure 11.
6. Place a check in the box(es) next to the information you want to include in your email notification. In the preview window, NotifyLink Desktop enables you see changes to the email Format.
7. Select **Send No Attachments**, **Attachment Names**, or **Number of Attachments.** Select the additional information of the attachment size by placing a check a check in the box adjacent to this option.
8. Select **Send No Body, Send Partial Body**, or **Send Full Body**. ***Note***: Check with your wireless provider for billing plans, restrictions, and additional information.
9. Select the **Notification Size**, (from 100 to 500) you want to receive for each email notification. ***Note:*** This is the "total size" of your email notification, including all header information along with the body of your message. Your wireless carrier governs the maximum number of characters that can be sent per notification.
10. Select the amount of characters that you want to receive when you use the **more** command. You may choose to receive the same number of characters as your Notification Size in 9 above, or you may choose to receive the maximum amount of characters allowed by your carrier.
11. When finished, select **Apply** to save changes and **OK** to return to the **Device Properties** Screen.

Top

Control

The **Control** options screen allows you to set options that effect all accounts, refer to Figure 12.

- **Mark As Read:** When this box is checked, as new email arrives in your Inbox and is forwarded to your device, it automatically becomes a read item in your Inbox on your PC. ***Note:*** This feature is not available if you are using Outlook Express, Netscape Communicator or Eudora.
- **Track Mobile Activity:** When Track Mobile Activity is selected, all activity of the NotifyLink Desktop is tracked in your PC inbox and Sent items. When email is forwarded to your device, NotifyLink Desktop places the additional email into your Sent Items folder on your PC. When you originate or forward an email from your device, that email appears in your Inbox on your PC. Deselection of Track Mobile Activity causes all notification emails sent to and created by NotifyLink Desktop to be automatically cleared from the Inbox and Sent Items folders. ***Note:*** This feature is not available if you are using Outlook Express, Netscape Communicator or Eudora.
- **Screen Saver Activation:** Selection of this box causes NotifyLink Desktop to automatically forward new emails to your device when you have disabled messaging and the screen saver on your PC activates. This can be useful when you spend time at your desktop PC and don't want to receive messages until your Screen Saver activates. ***Note:*** Remotely disabling messaging overrides the Screen Saver Activation.
- **Send Error Messages:** When checked, this feature sends your wireless device an error message in the event that you have typed in a command incorrectly or performed a user error.

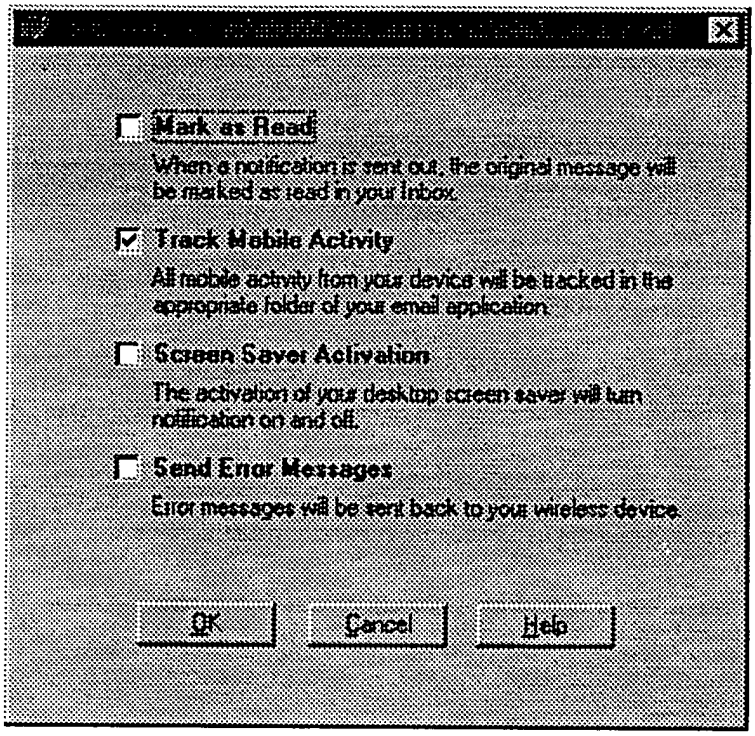


Figure 12

To Control Your Message Notification Activity

1. Right click on the NotifyLink Desktop icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Desktop through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Device Properties**.
4. Select **Control.**

5. Select **Mark as Read** by placing a check in the box to the left or disable by leaving the box to the left empty. ***Note:*** This feature is not available if you are using Outlook Express, Netscape Communicator or Eudora.
6. Select **Track Mobile Activity** by leaving the box to the left checked or disable **Track Mobile Activity** by deselecting the box to the left. ***Note:*** This feature is not available if you are using Outlook Express, Netscape Communicator or Eudora.
7. Select **Screen Saver Activation** by placing a check in the box to the left or disable by leaving the box to the left empty.
8. Select **Send Error Messages** by placing a check in the box to the left or disable by leaving the box to the left empty.
9. When finished, select **OK** to save your selections and return to the **Device Properties** Screen.

Top

Device

This is a great place to verify that all of the information is correct: Service Provider, Notification Device, Wireless Address, any aliases. This screen displays the settings that were created when you went through First Time Setup.

To View Your Wireless Provider Information

1. Right click on the NotifyLink Desktop icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Desktop through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Device Properties.**
4. Select **Device.**

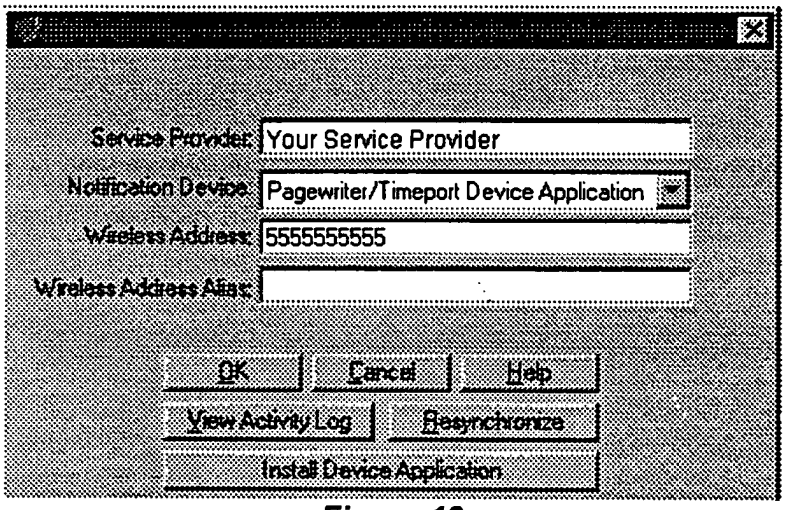


Figure 13

- **Service Provider:** This is the name of the wireless service provider from which you bought your wireless device, and that provides your messaging service. This option cannot be modified.
- **Notification Device:** This is the name of the device that receives your NotifyLink Desktop message notifications.
- **Wireless Address:** This is your Personal Identification Number (i.e. the telephone number of your messaging device).
- **Wireless Address Alias:** If your Wireless Device has been assigned an alias, enter the alias here. This information is required so the PC can identify your Wireless Device when you send messages. Your carrier, not NotifyLink Desktop, creates and enables your Alias.

- **View Activity Log:** You may view your Activity Log by selecting **View Activity Log**. This information provides the date and time of the transactions, the types of transactions and the number of characters associated with your transactions.
    - **Clear Log:** This removes all data in the log.
    - **Print:** This prints the log on your default printer
    - **Export to File:** This allows you to save the log to a file in the same directory that NotifyLink Desktop is installed
    - Select **Close** to return to the Device Information Screen

- **Resynchronize** is a feature which allows you to manually update your device after you have made any changes to your NotifyLink Desktop settings. This button should be pressed *after* you have made all changes. ***Note:*** this feature may take a few minutes before it updates your wireless device. Click **OK** to return to the previous screen.
- Select **Apply** to save any changes and **OK** to return to the Device Properties Screen

Top

Security

Encryption is the process of making email notifications illegible to potential Internet eavesdroppers. Since knowledge is power, Encryption is used to keep our notifications private. Keys and the Encryption method determine how the notifications are transformed into an illegible state and vice versa. The user can generate random keys through the movement of their mouse for the **Encryption Type** (methods of making notifications illegible) known as **RC4**-compatible. **RC4** is a well-known commercial algorithm.

To Set Up Your Security Information:

1. Right click on the NotifyLink Desktop icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Desktop through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Device Properties.**
4. Select **Security.**
5. Select which Mailbox for which you want to setup the Encryption.
6. Place a check in the **Enable Encryption of notifications** box, as shown in Figure 14.
7. RC4 **Encryption Type** is pre-selected in the drop down menu.
8. Click on **View Encryption Key Settings.** The screen shown in Figure 15 is displayed.

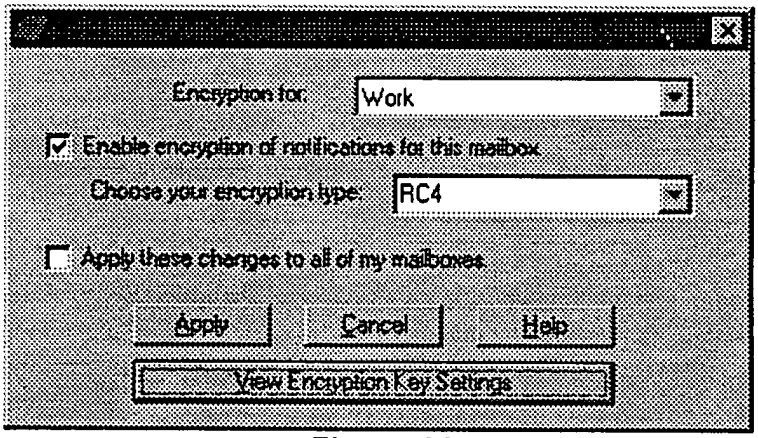


Figure 14

9. Select how you would like your **Encryption Key** to be generated:

- If you select **Automatic Key Generation,** a new key is automatically generated every 30 days and automatically synchronized with your device.
- If you select **Semi-Automatic Key Generation**, select **Generate New Key** and NotifyLink Desktop generates a key from the movement of your mouse - then asks you to click the **OK** button.
- If you select **Manual Key Generation**, you must manually create a 24 character key. ***Note:*** This must also be done on your wireless device.
- Select **Apply**, then **OK** to save any changes then **OK** to return to the **Security Settings** window.

10. If you would the same settings for all of your mailboxes, check **Apply these changes to all of my mailboxes.**
11. Click on **Apply**, then **OK** to save any changes and **OK** to return to the **Device Properties** window.

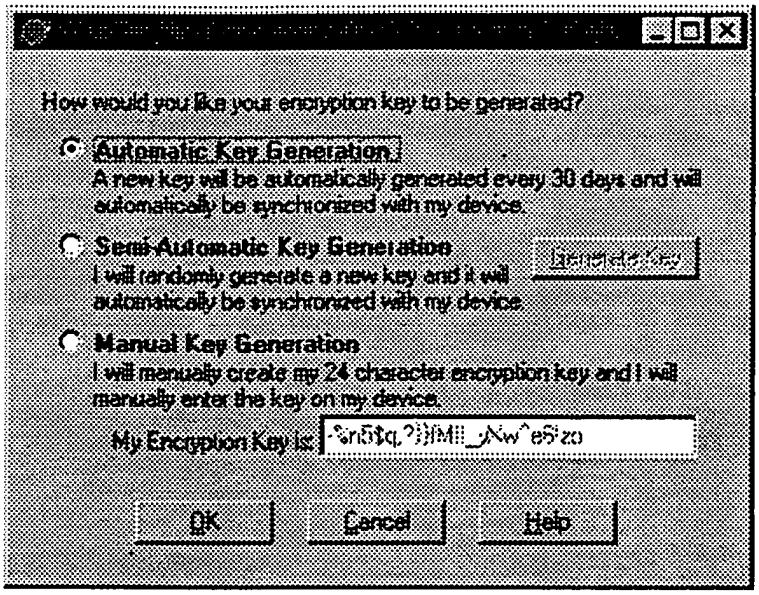


Figure 15

Top

Section 11 - PIM (Personal Information Manager)

Personal Information Manager is a tool that works with your Microsoft Outlook (PIM). ***Note:*** This feature is not available if you are using Outlook Express, Netscape Communicator or Eudora.

PIM queries allows you to send commands to your PC, in order to interact with Microsoft Outlook's PIM information. Specifically, you may send messages to search your "Calendar", "Contacts", or "Tasks" folders, and have this information returned to your wireless device. You may set your PIM controls using the screen shown in Figure 16.

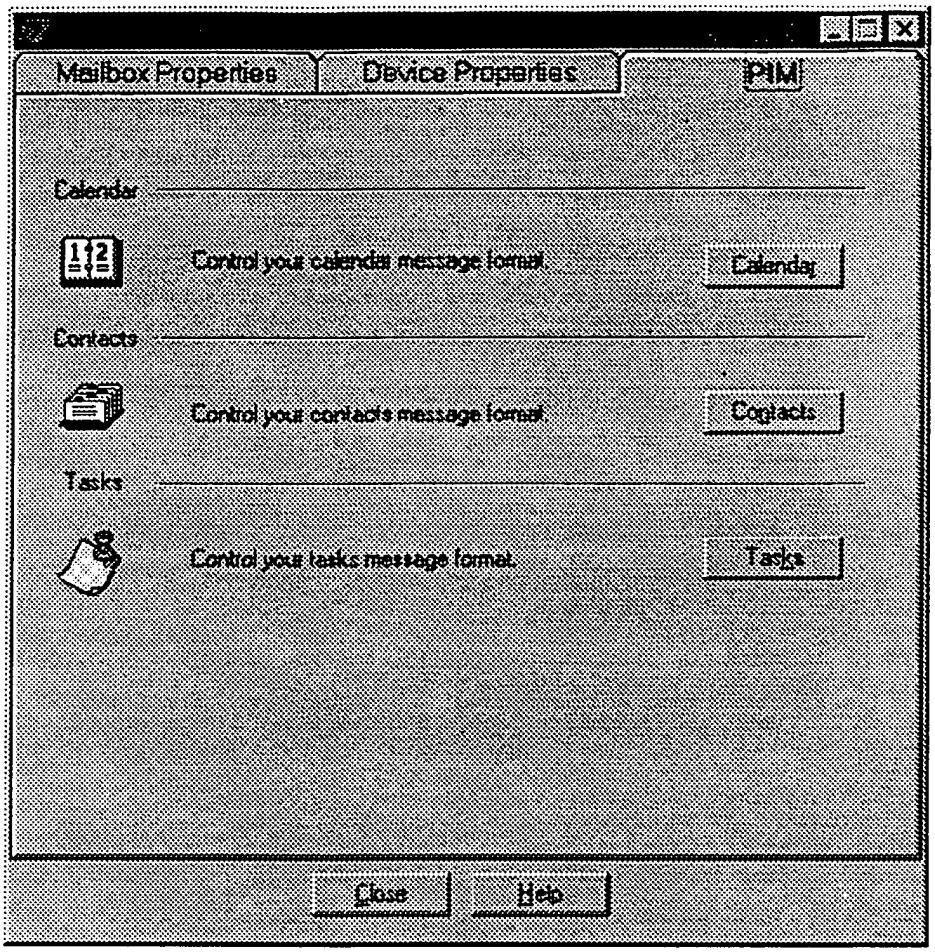


Figure 16

Calendar

The Calendar query allows you to search Microsoft Outlook's "Calendar" folder remotely. A calendar event can be searched for by the date of the event. Each event for that day that has not yet occurred is returned to the wireless device.

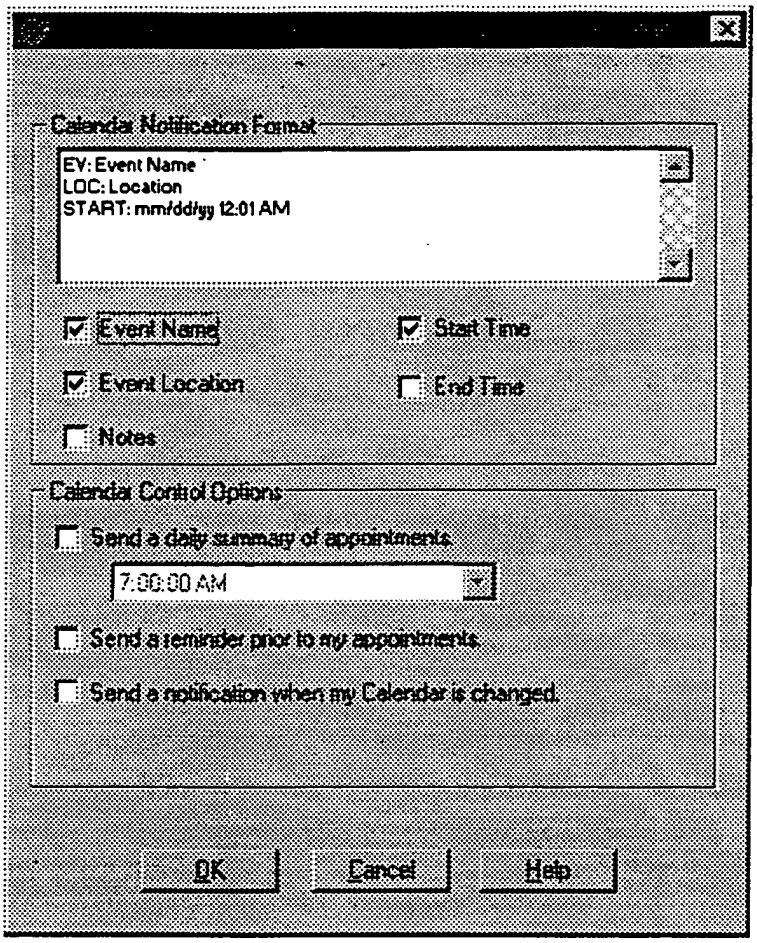


Figure 17

To Define or Make Changes to Your Calendar Settings:

1. Right click on the Motorola MyMail Desktop Plus icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Desktop through Start/Programs/Motorola MyMail.
3. Select **PIM**.
4. Select the **Calendar** and the screen shown in Figure 17 is displayed.
5. Place a check in the boxes next to the information you want to include in the Calendar notification you receive on your wireless device. ***Note:*** You may view the changes to the calendar Notification Format in the preview window.
   - **Send a daily summary of appointments**: If you select this option, you must also select the time of day you would like all Calendar notifications sent to your wireless device for each day. Each event is sent as a separate notification. It is recommended that you choose a time that best fits your schedule. ***Note:*** The first time that you select this option, NotifyLink Desktop sends all appointments you have defined in your Outlook Calendar for the entire day *and* any appointments which are 24 hours old.
   - **Send a reminder prior to my appointments**: If you select this option, a reminder is sent to your wireless device informing you that you have an appointment. ***Note:*** You must have the default reminder option selected in Outlook for this event. The reminder is sent to your wireless device ***5 minutes*** before the reminder option in Outlook.

     For example: If you have your default reminder option set to 15 minutes in Outlook, the notification is sent to your wireless device 20 minutes before the appointment start time.

   - **Send a notification when my Calendar is changed**: in the event that your Calendar is changed, a notification is sent to your wireless device informing you of the change.

6. Select **Apply** to save any changes and **OK** to return to the **PIM** tab.

Contacts

The Contact query allows you to search Microsoft Outlook's "Contacts" folder. You can search for a Contact by either name first or last name, email address, or phone number.

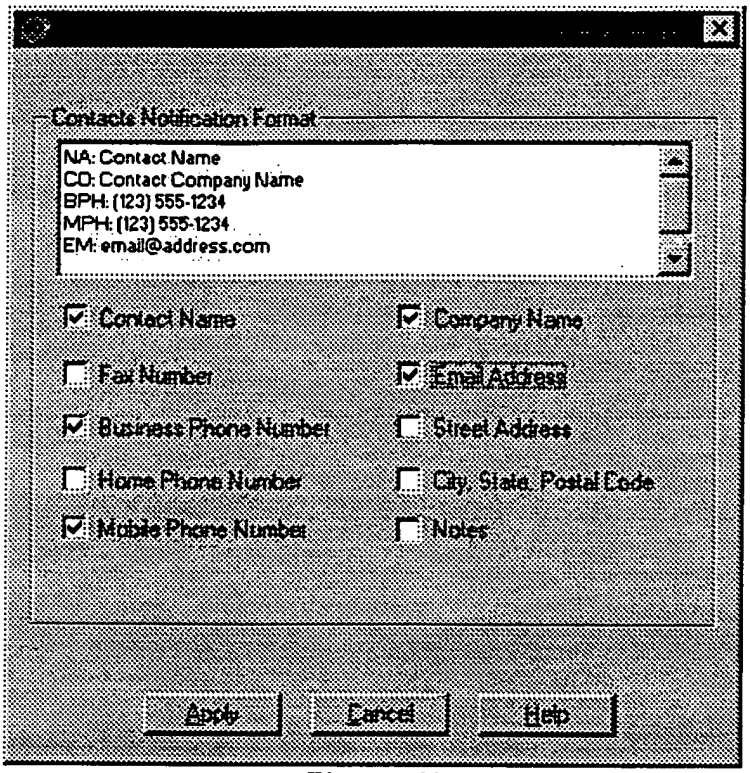


Figure 18

To Define or Make Changes to Your Contacts Settings:

1. Right click on the NotifyLink Desktop icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Desktop through Start/Programs/Motorola MyMail.
3. Select **PIM**.
4. Select **Contacts** and the screen shown in Figure 17 is displayed .
5. Place a check in the boxes next to the Contact information you want to include in the Contact notification to your wireless device. ***Note:*** You may view the changes tc Contact Notification Format in the preview window.
6. Select **Apply** to save any changes and the **OK** button to return to the **PIM** tab.

Tasks

The Tasks query allows you to search your Microsoft Outlook's "Tasks" folder. You may search for a task by start date or due date. Depending on the search method, each task that starts on that specific day or ends on that specific day is forwarded to your wireless device.

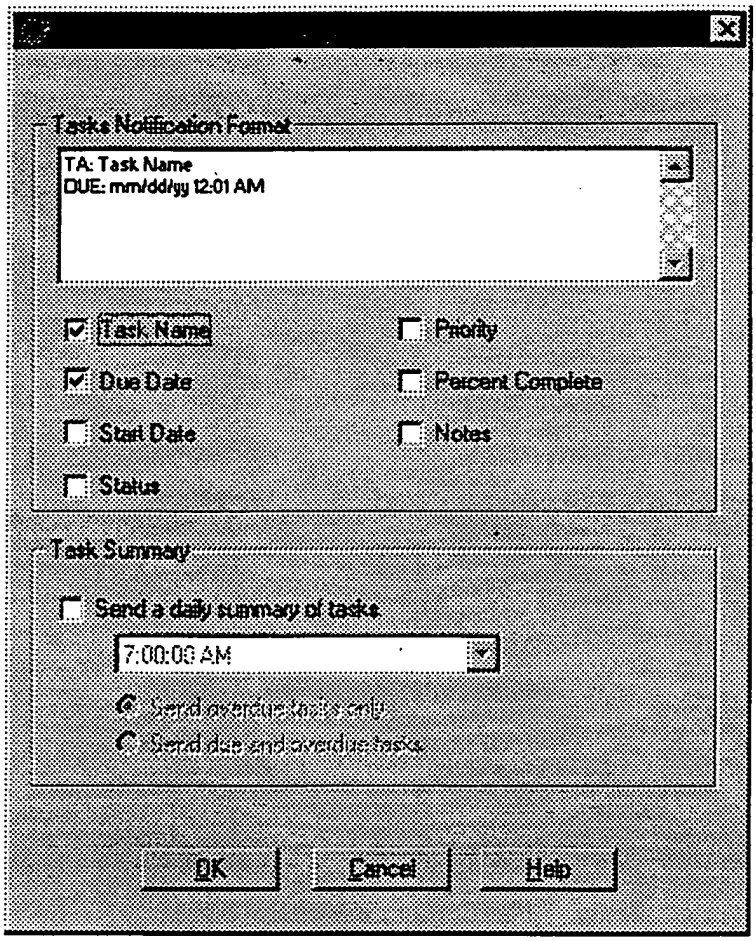


Figure 19

To Define or Make Changes to Your Tasks Settings:

1. Right click on the Motorola MyMail Desktop Plus icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, double click on the icon on your PC or launch through Start/Programs/Motorola MyMail.
3. Select **PIM**.
4. Select **Tasks** and the screen in Figure 19 is displayed.
5. Place a check in the boxes next to the Tasks information you want to include in the Task notification to your wireless device. ***Note:*** You may view the changes to Tasks Notification Format in the preview window.
   - **Send a daily summary of tasks**: If you select this option, all tasks for the current day are sent to your wireless device in separate notifications. You must select the time of day in which to send the notifications out. (This time also defines the time that tasks are considered overdue/due.) You must also select whether to **Send overdue tasks only** or **Send due and overdue tasks.**
6. Select **Apply** to save changes and **OK** button to return to the **PIM** tab.

Top

Part 3 - NotifyLink Desktop - Wireless Device

Section 12 - Main Menu

The NotifyLink Desktop Main Menu Screen shows the many options you have in NotifyLink Desktop. You may choose to: Read Mail, Write Mail, Send Commands, Preferences, interact with your desktop control, access your PIM, About or Exit, as shown in Figure 20.

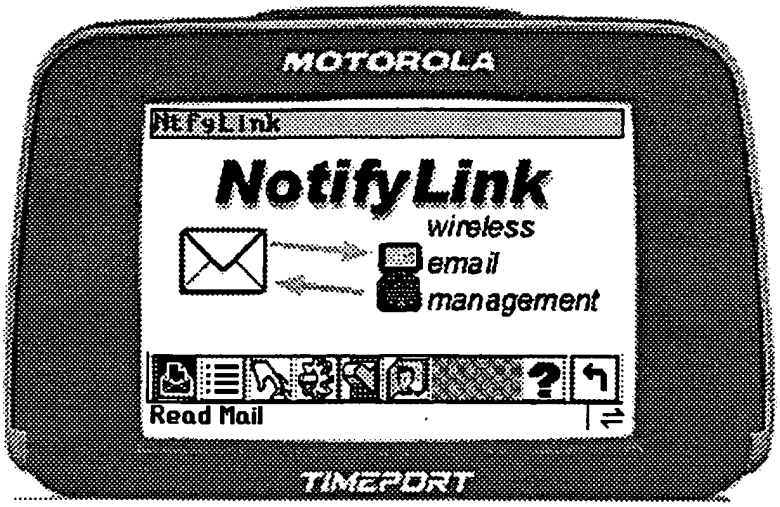


Figure 20

Read Function

The **Read** function allows you to read and respond to incoming messages and to forward and to delete messages. It allows you to manage the Inbox and Outbox, user-defined mailboxes, Drafts, Trashcan, and the query-return folder(s) (for example, the Files folder).

Write/Send Mail Function

The **Write** function allows you to compose a message using the QWERTY keyboard, import text from other applications. You can also choose to file the message as a Draft, where it can be sent or appended at a later time.

Commands

The **Commands** function allows you to send a subset of the available commands. Only commands that apply to all mailboxes are displayed here.

Preferences

Note: View and change preferences for sorting the inbox and display of the new message popup. By default, Display Popup and Sort by Date is set. From here, you can also access the Security Screen.

PC Access Function

The **PC Access** feature in NotifyLink Desktop gives you the capability to manage certain operations on your desktop PC from your wireless device. Currently, you can send a command to find a file on your PC

and view the resulting matches in a files folder in your mailbox account. You can also attach the resulting File in an email. Other operations will be available in future versions.

Personal Info. Mgr.

PIM lets you send queries to your Desktop PC to find Contacts, Calendar Entries and Tasks.

About

About shows you the version number of the NotifyLink Desktop application on your wireless device.

Exit

Exit NotifyLink Desktop email application.

Top

Section 13 - Select Account Screen/Read Function

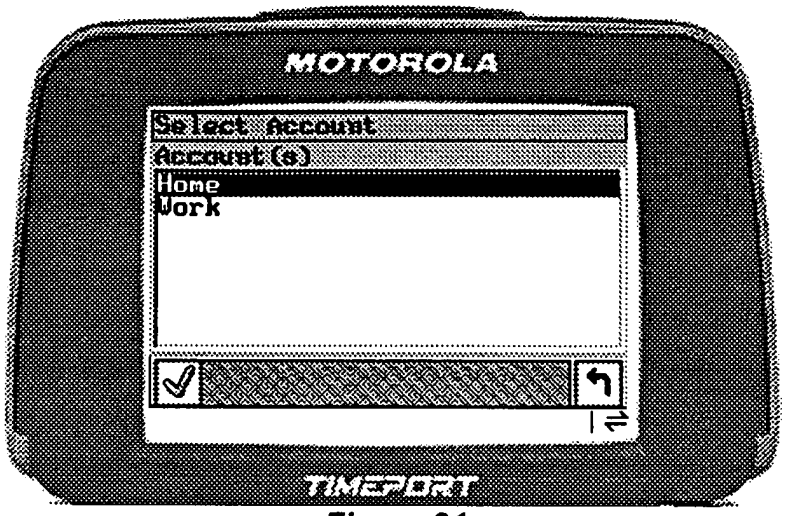


Figure 21

Note: The screen shown in Figure 21 is displayed only when you have more than one email account.

When the Read Icon in the NotifyLink Desktop Main Menu is selected, you are presented with the Select Account Screen, which lists the current accounts that are registered. You select an account and then select the Open Button.

Open

Open takes you to the Message Area Screen.

Cancel

Cancel brings you back to the NotifyLink Desktop Main Menu.

Top

Section 14 - Message Area Screen

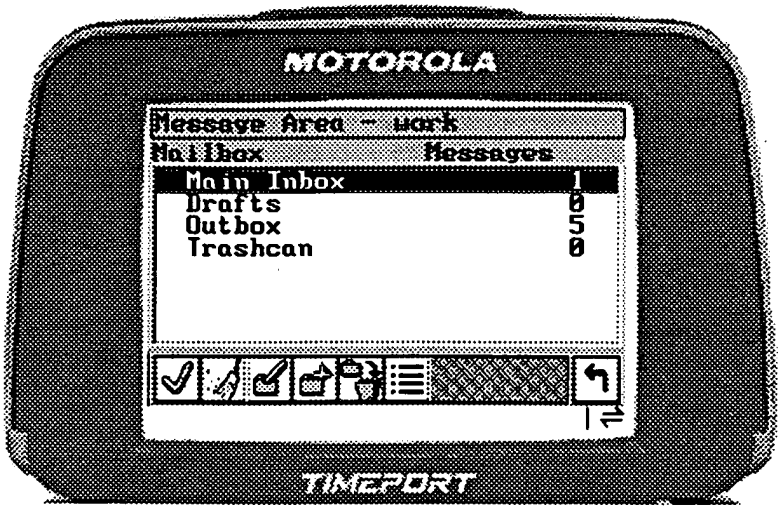


Figure 22

Open

Figure 22 shows the Message Area screen. You select a mailbox by placing the cursor on the mailbox name and then pressing Enter or by pressing the first letter of the mailbox name and then Enter. You can also open a mailbox by highlighting it and selecting the **Open** toolbar button. Opening the mailbox displays a list of messages in that mailbox.

Delete Read Msgs

Selecting **Delete Read Messages** from the Message Area Screen carries out a forced cleanup of the selected Inbox, and the status line reflects this by saying "Msgs Deleted." The Cleanup process deletes only read messages. The Outbox, Drafts, and Trashcan Files, Contacts are not affected by running the cleanup process. ***Note:*** the Files and Contacts folders is not displayed unless they have been generated by a search request.

Customize

Selecting **Customize** from the Message Area Screen takes you through a customization session that acts on the currently selected Mailbox. There are two parts, but not all screens of customization apply to all mailboxes. Both of the screens in the session have Save and Cancel options and also have controls to move forward and back through the other screens in the customize session. ***Note:*** you will only get one screen if you have only one mailbox.

There are screens to:

1. Rename a mailbox (cannot rename system mailbox); and
2. Set Cleanup option for the mailbox.

New InBox

Creates a new mailbox to receive incoming messages. This takes you through both screens of the customization process as described above. You can name the mailbox and set-up three keywords to filter incoming messages into this mailbox.

Delete

Deletes a user-defined inbox the Files folder or the Contacts folder. The folder must be empty to be deleted.

Write

Selecting **Write** takes you to the Write
Screen where you can originate an email message.

Cancel

Exits to the Select Accounts
Screen (or the MyMail main menu if you only have one account).

Top

Section 15 - File Reports Screen

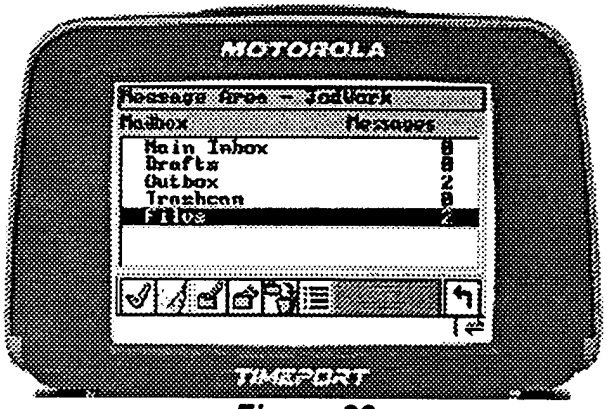


Figure 23

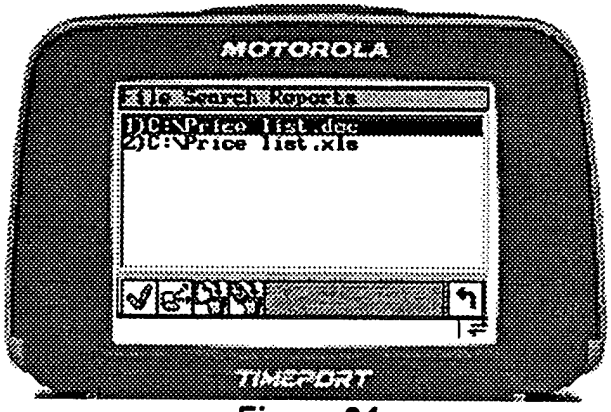


Figure 24

If you have issued a Find command and the desktop software finds matching files on your PC, a new folder named "Files" is created in your Message Area. When you open the "Files" folder the found files are listed in the File Search Reports screen, as shown in Figure 24. (Only the results of your last find are stored.) If the file's path is too long to fit on the screen, the remaining characters are shown from the right-hand side.

The following options are available on the File Search Reports screen:

Done

Returns to the Message Area Screen.

Send

Selecting **Send** allows you to send the currently highlighted file. The Write Screen is opened and the current file is automatically attached as a file to send with the message. You can add additional files to the message by selecting the 'Add File' in the Write Screen.

Delete

Deletes currently highlighted file information from your wireless device.

Delete All

Deletes all file information from your wireless device. Once all files are deleted, the folder can be deleted.

Cancel

Returns to the Message Area screen.

Top

Section 16 - Contact Query Results Screen

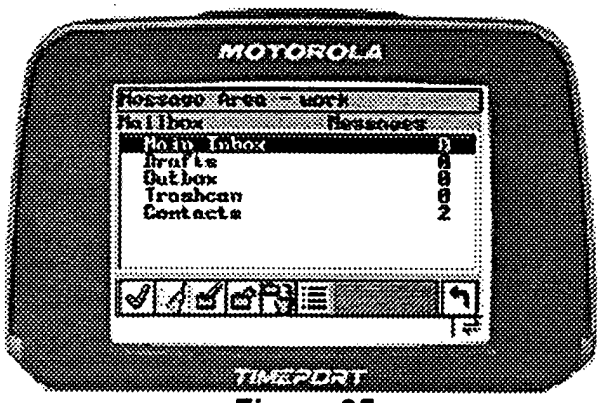


Figure 25

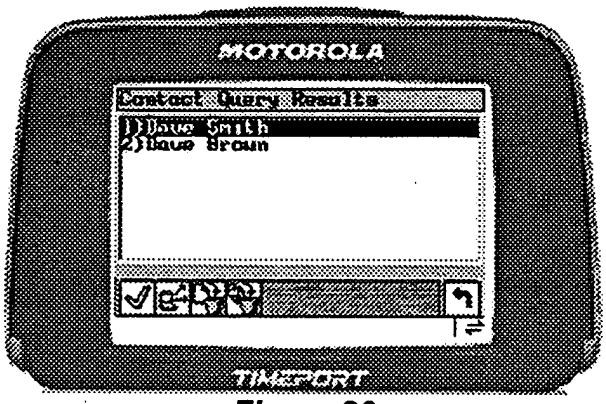


Figure 26

If you have issued a Contact query and the desktop software finds more than one matching Contact on your PC, a new folder named "Contacts" is created in your Message Area, as shown in Figure 25. When you open the "Contacts" folder the matching Contacts in the Contact Query Results Screen are displayed, as shown in Figure 26.

Done

Returns to the Message Area screen.

Send

Selecting **Send** sends a command to your PC to return the full information on the currently highlighted Contact. When your PC receives this command, a message is sent to the Contacts application with the Contact you selected. You need to respond to this message to store this person in your device contacts information. If you receive a popup with the Contact information, select Add to Contacts to store this

person in your device contacts information. If you read the message in the Read Inbox, select Move message.

Delete

Deletes currently highlighted Contact.

Delete All

Deletes all Contacts in this list.

Cancel

Returns to the Message Area screen.

Top

Section 17 - Cleanup Options Screen

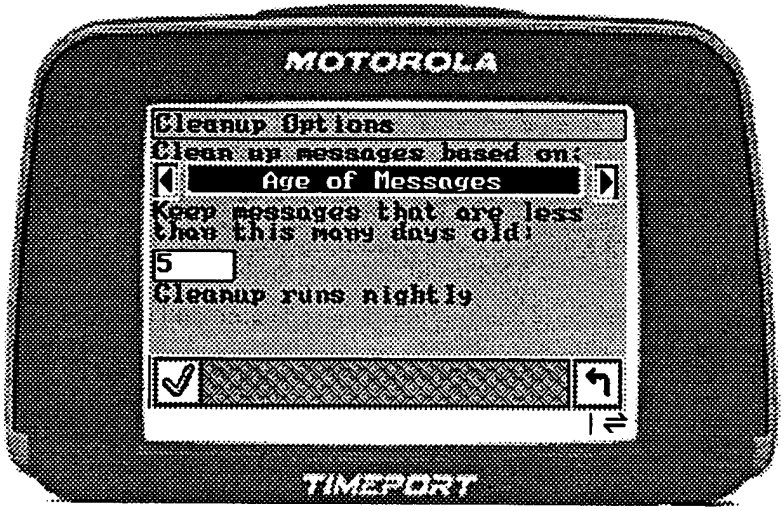


Figure 27

The Cleanup Options screen, as shown in Figure 27, allows you to set the cleanup options for the current mailbox. The 3 options are: Age of messages, Number of messages, and No Cleanup.

If "Age of Messages" is selected, you may change the number of days for cleanup. An automatic cleanup is run at night to remove the messages from the mailbox that are older than the number of days that you have entered. The default value for a new mailbox is 5 days.

If "Number of Messages" is selected, you may change the number of messages before cleanup. The most recent messages are kept and as new messages come in that pass the limit, old messages are deleted. The default value for a new mailbox is 5 messages. (Note: the value cannot be set greater than 75 or less than the number of messages currently in the folder.)

Selecting "No Cleanup" leaves it up to you as to when to delete a message. Due to memory constraints, the maximum number of messages in a mailbox is 75. Even if "No Cleanup" is selected, old messages are deleted as the new messages cause the mailbox to exceed 75 messages.

Save

Saves changes.

Cancel

Exits the customization session.

Top

Section 18 - Main Inbox/Message List Screen

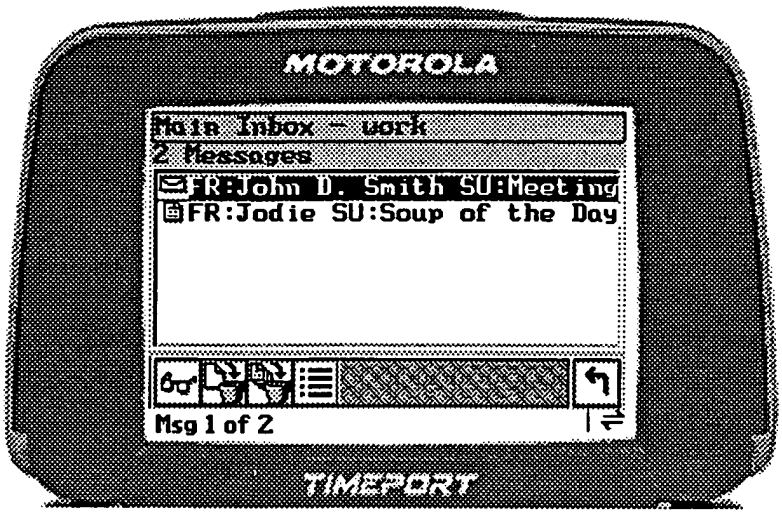


Figure 28

The messages in a mailbox are listed with the newest message at the top and oldest at the bottom by default, as shown in Figure 28. Each line in the list box contains an icon that indicates whether the message is read or unread, the sender's name, and the subject of the message.

Open

You can open a message either by pressing **Enter** with a message highlighted or by tabbing down to Open and pressing **Enter**. If the current mailbox is an Inbox, opening a message takes you to the Main Inbox Message Screen. If the current mailbox is Drafts, you are brought to the Write Screen to finish the message and send it or resave it.

Delete

Delete the current message to the Trashcan.

Delete All

Delete all of the messages from the Mailbox to the Trashcan.

Write

Selecting **Write** takes you to the Write Screen where you can originate an email.

Exit

Return to the Message Area
Screen to select a different mailbox to view.

Top

Section 19 - Main Inbox/Message Screen

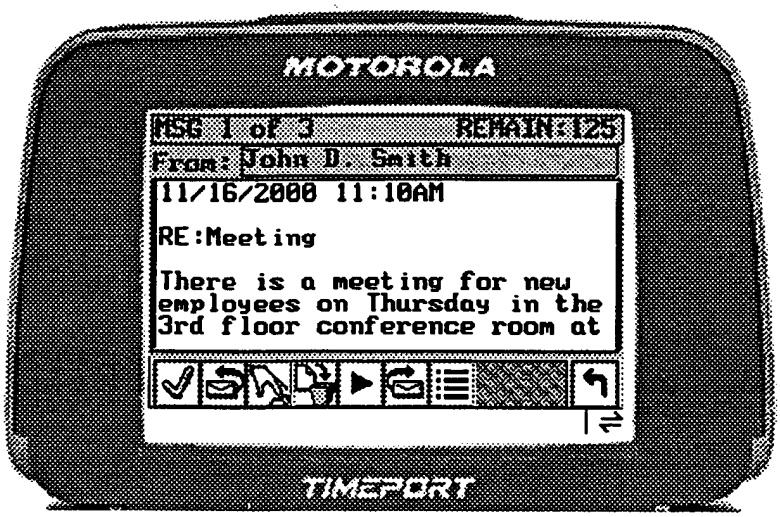


Figure 29

This
Message Screen displays the notifications in the format that you selected when you registered.

Done

Selecting Done takes you to the Main Inbox Screen.

Commands

Selecting Commands displays the following list of commands:

- **more** - Request another section of the current message be sent to your device (only if there is remaining text).
- **all** - Request that notifications be sent to complete the message that you are currently viewing (only if there is remaining text).
- **unblock** - Unblocks a previously blocked address. Selecting **unblock** displays a screen for you to enter in an email address to unblock.
- **notify off** - Turns NotifyLink Desktop service off.
- **catchup** - Receives notification of messages that came into your mailbox while messaging was disabled.
- **notify on** - Turns NotifyLink Desktop on.

- **block** - Block notifications from the sender of the currently displayed message.
- **delete** - Instructs Motorola MyMail Desktop Plus to delete the email from your PC inbox and to place it into your deleted items folder.

Delete

Deletes the current message to the MyMail device application Trashcan.

Next Msg

Selecting **Next Msg** take you to the next message in your message list.

Reply

Allows you to **Reply** to the message. You are then be taken to the Write Screen to type your reply. You may also select additional recipients for the message.

Forward

Allows you to **Forward** the message. You are taken to the Forward Screen where you can type any additional text to forward and select recipients for the message.

Write

Selecting **Write** takes you to the Write Screen where you can originate an email.

Exit

Exits to the Message List Screen.

Top

Section 20 - Outbox Screen

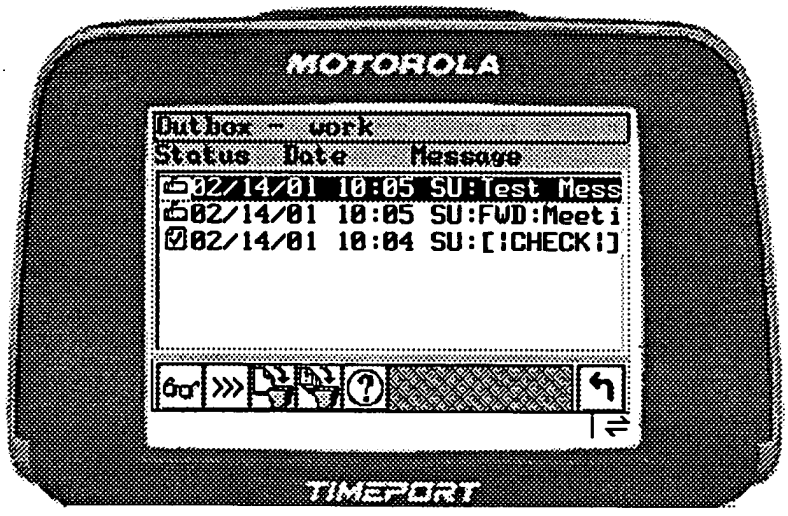


Figure 30

As shown in Figure 30, there are three headings for the messages on this screen: Status, Date, and Message. Messages are displayed with an icon to indicate the current status, date and time the message was sent, and subject of the message. The most recently sent messages are at the top.

Details

Selecting **Details** displays a screen that contains the details of the message that is currently highlighted. The Details include the body of the sent message and the e-mail address(es) of the recipient(s) or the MyMail command.

Resend

Resends the currently highlighted message. Can be used if the original send failed or even if it was successful. If the message is still pending or still in process, this option does nothing.

Delete

Selecting **Delete** deletes the selected message from the device. Messages deleted from the Outbox do not go to the Trashcan.

Delete All

Deletes all messages from the Outbox. Messages that are deleted from the Outbox are not sent to the Trashcan.

Help

You can select **Help** to display the Outbox icon descriptions.

Exit

Exits to the Message Area screen.

Top

Section 21 - Drafts Screen

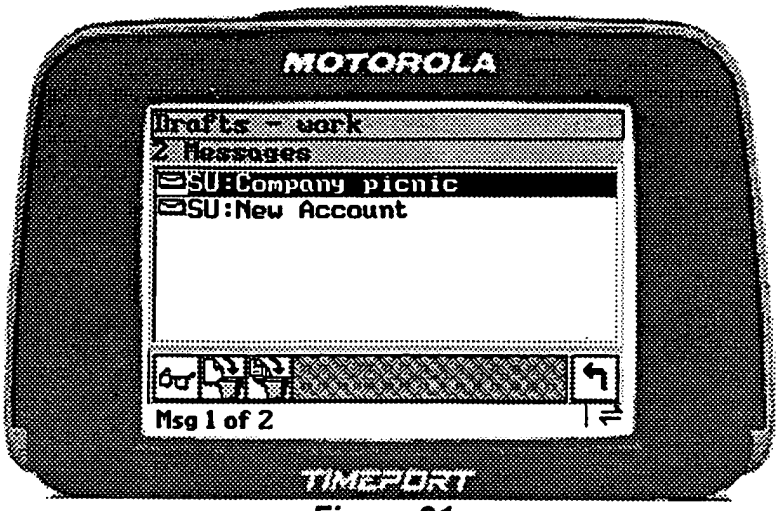


Figure 31

Selecting **Drafts** mailbox from Message Area screen takes you to the Drafts screen as shown in Figure 31. The messages are listed with the newest Draft at the top and oldest at the bottom. Each line in the list box starts with an icon that indicates whether the message is read or unread, followed by the subject. You can open a message either by pressing Enter with a message highlighted or by tabbing down to Open and pressing Enter. Selecting Open brings you to the Write Screen.

Open

Selecting **Open** displays the currently highlighted Draft in the Write Screen for viewing or appending.

Delete

Selecting **Dele**
te deletes the currently highlighted Draft from the Device. Messages deleted from the Drafts folder are not sent to the Trashcan.

DeleteAll

Selecting **DeleteAll** permanently delete
s all the messages in your Drafts folder. Messages deleted from the Drafts folder are not sent to the Trashcan.

Exit

Selecting **Exit** return
s you to the Message Area.

Top

Section 22 - Trashcan Screen

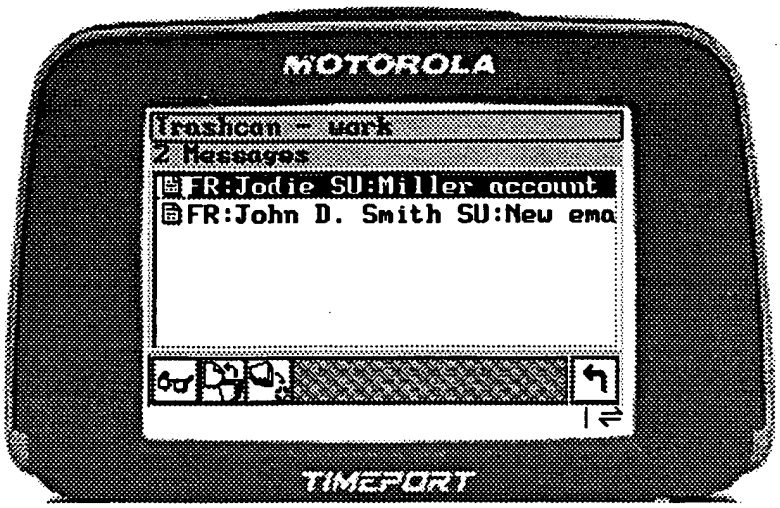


Figure 32

Messages can be restored from the Trashcan before the Trashcan is emptied. Figure 32 shows the Trashcan Screen. NotifyLink Desktop
deletes messages that are greater than 24 hours old at midnight each night.

View

Opens the currently highlighted message for viewing.

Restore

Selecting **Restore** return
s the currently highlighted message to the Main Inbox.

Empty

Selecting **Empty** delete
s all messages from the Trashcan permanently.

Exit

Selecting **Exit** returns you to the Message Area.

Top

Section 23 - Forward To Screen

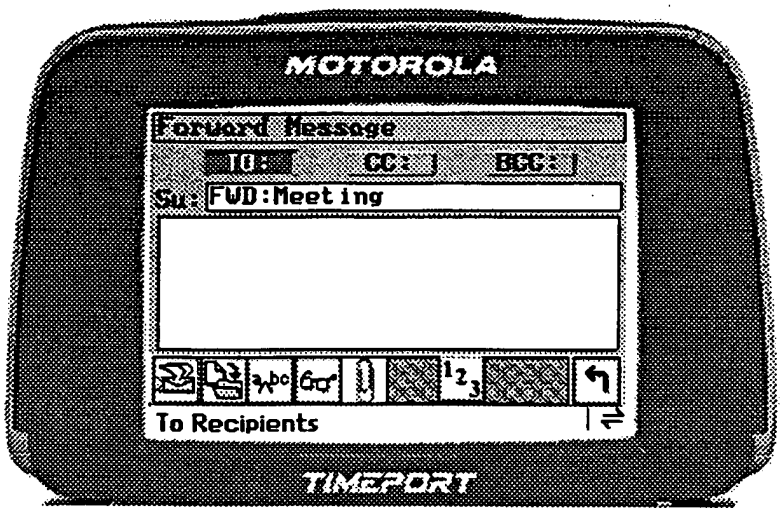


Figure 33

When viewing a message, selecting Forward brings you to the Forward screen as shown in Figure 33. All menu options perform the same function as in the Write Screen; however, selecting Cancel returns you back to the original message. The Subject line is FWD: Original Subject and the body text box is open for you to add additional comments that are put at the beginning of the forwarded message.

After selecting recipients and pressing Send, you are brought back to the screen that displays the message you were viewing (see the Write function for more information). Buttons to add files and Attachments are shown if applicable.

Send

Selecting **Send** sends the message.

SaveIt

Selecting **SaveIt** saves the message to the Drafts folder of the current account.

Import

Selecting **Import** from the New Message Screen takes you through a series of slideovers in the same manner as the native Read applications do. This Import feature allows you to use text from Messages, Contacts, Memos, Calendar or Tasks as part of an outgoing message. Quick Text can also be added using the Import button.

View

Selecting **View Recipients** opens a screen that displays the selected addresses for the selected message.

Attachments

Displays a slideover where you can type in the number of the attachment you wish to send. Multiple attachments should be delimited with commas. ***Note:*** This button is only present when you receive a notification with an attachment.

Files

Displays a slideover where you can type in the number of a file you wish to send. Multiple files should be delimited with commas. ***Note:*** This button is only present when there are found files on your device.

Count Message

Displays the total character count of your message and also tells you how many characters are remaining or how many characters are needed to be trimmed off before sending.

Cancel

Selecting **Cancel** from here return
s you to the message that you were viewing.

Top

Section 24 - Select Account/Write Screen

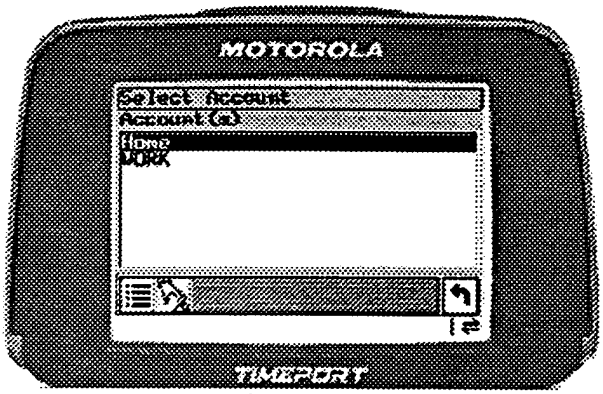


Figure 34

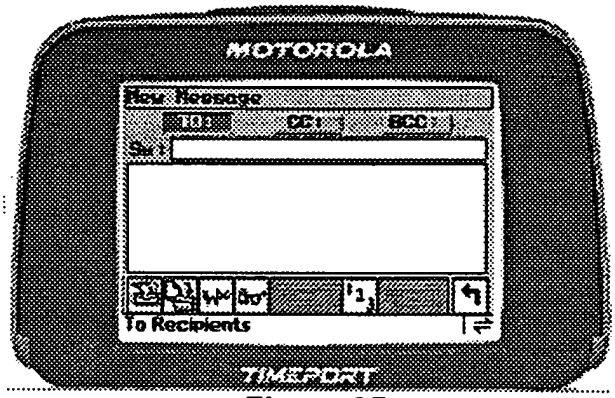


Figure 35

Note: This Select Account screen is displayed only when you have more than one account.

When the Write Icon from the NotifyLink Desktop Menu is selected, you are presented with the Account screen, as shown in Figure 34, that lists the current accounts that are registered. You select an account and then the Write or Commands. If Write is chosen, the New Message screen is displayed as shown in Figure 35. Selecting Command displays a list of commands from which to choose. Selecting Cancel in the Select Account screen takes you back to the Main Menu.

Write/Send Mail Function

Selecting the Write Command displays the New Message screen. The Write function enables you to compose a message using the QWERTY keyboard, import text from native applications and add Files and/or Attachments when applicable. You can also choose to file the message as a Draft, which can be sent or appended at a later time.

Commands

The Commands option includes canned functions for the NotifyLink Desktop application.

- **notify on** - Turns notifications from NotifyLink Desktop on.
- **notify off** - Turns notifications from NotifyLink Desktop off.
- **unblock** - Unblocks a previously blocked address. Selecting **unblock** displays a screen for you to enter in an e-mail address to unblock.
- **catchup** - Receives notification of messages that came into your mailbox while messaging was disabled.

The Write screen contains 3 buttons for selecting the message recipients: **TO:, CC:** and **BCC:** After a button is pressed, you are taken to your Contacts screen where you can select the message recipient, or enter a New Contact to receive the message. Only Contacts email addresses are available for selection. Contacts without email addresses specified are not displayed in the list.

Note: The Contacts list is sorted according to a preference set in the Contacts application. Consult your device's User Guide for instructions to change this preference.

You can select addresses from this screen by highlighting the address and pressing either the **Enter** key or the **Check** key, which puts a check mark to the left of the address entry. You can select as many addresses as you want.

If New Contact is selected from the Choose Recipients screen, you are taken to the Contact applications screen to enter contact information. The new contact is automatically added to the Recipient list.

Choosing Review takes you to the Review Screen. Choosing Exit takes you to the New Message editing screen.

Send

Sends the message. If a message is too long, you are asked to shorten it. If no recipients have been selected, you are prompted to choose a recipient before the notification can be sent.

Save It

Selecting **SaveIt** saves the message in progress as a Draft.

Import

Selecting **Import** from the New Message Screen take
s you through a series of slideovers in the same manner as the Read applications. This Import feature allows you to use text from Messages, Contacts, Memos, Calendar, Tasks or Quick Text as part of an outgoing message.

View Recipients

Selecting **View Recipients** opens a screen that displays the selected addresses for the selected message.

Add File

Displays a slideover where you can type in the number of a file you wish to send. You can also type the full path of a file. Multiple files should be delimited with commas. ***Note:*** **This button is only present**

when there are files from a PC Access search residing on your device.

Count Message

Displays the total character count of your message and also tells you how many characters are remaining or how many characters are needed to be trimmed off before sending.

Cancel

Selecting **Cancel** brings you back to the Select Accounts screen.

Top

Section 25 - Recipients Screen

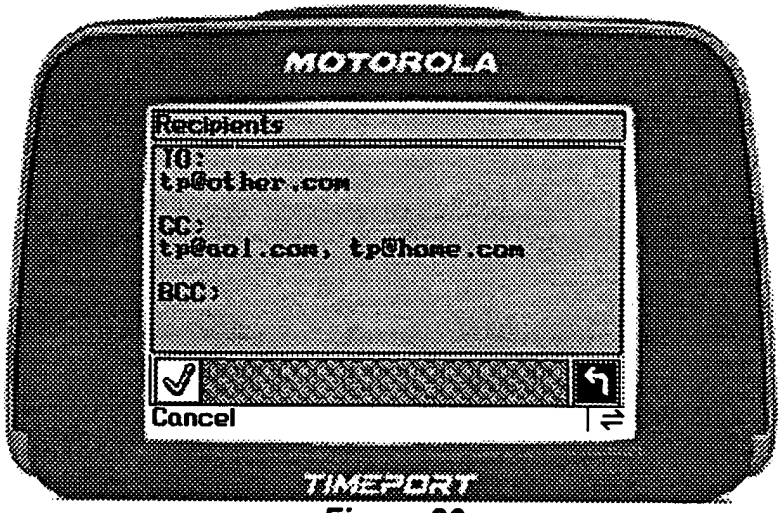


Figure 36

The Recipients Screen, as shown in Figure 36, displays the email addresses of all the people you have selected to send the current message. The display is categorized by **TO:**, **CC:** and **BCC:** recipients. If the current message is a reply, the original sender will receive the message, but is not displayed in the recipients list.

Done

Selecting **Done** takes you back to the Write Screen.

Cancel

Selecting **Cancel** takes you back to the Write Screen.

Top

Section 26 - Preferences Screen

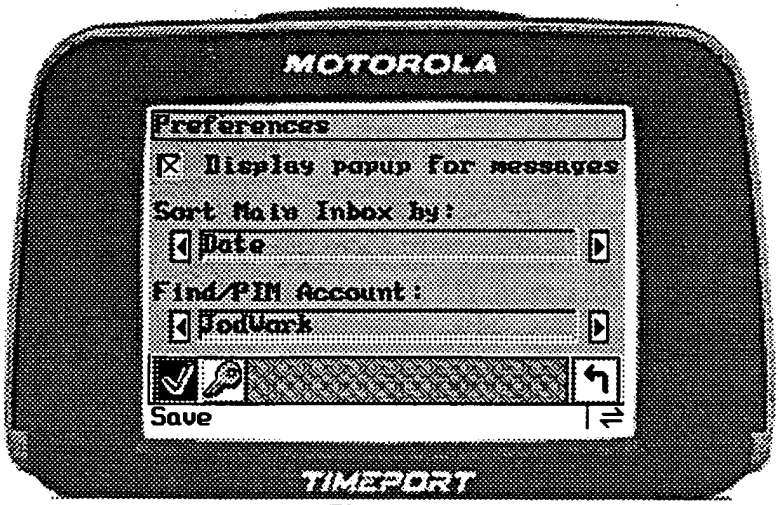


Figure 37

This screen displays the preferences you currently have set for displaying a popup and sorting an Inbox. The default preferences are to display a popup when a new or updated message comes in and sort the Inbox(es) by Date. The Security Screen is accessed from the Preferences Screen.

You can set the default Find/PIM account. The first desktop account set up in the device is automatically saved as your default Find/PIM account. To change this setting to a different account use the left and right arrows on the NavDisk to select the correct setting, then save the changes.

Save

Selecting **Save** saves changes you have made to the Preferences.

Security

Choosing **Security** displays the Password slideover. The Default password is "password". By entering "password" on the slideover, you are taken to the Security screen. At the Security screen you can view and/or change your password and Encryption Key.

Cancel

Selecting **Cancel** returns you to the NotifyLink Desktop Main Menu without saving any changes you may have made.

Top

Section 27 - PC Access Function

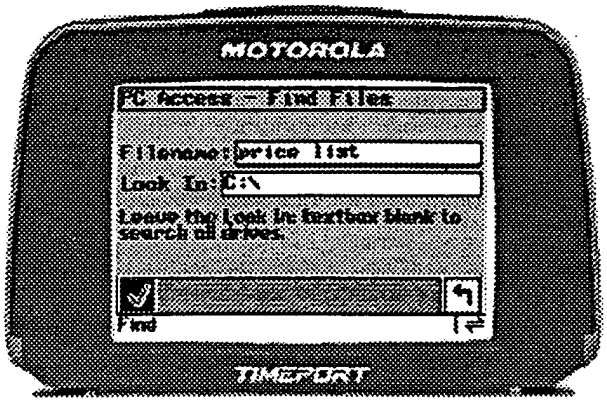


Figure 38

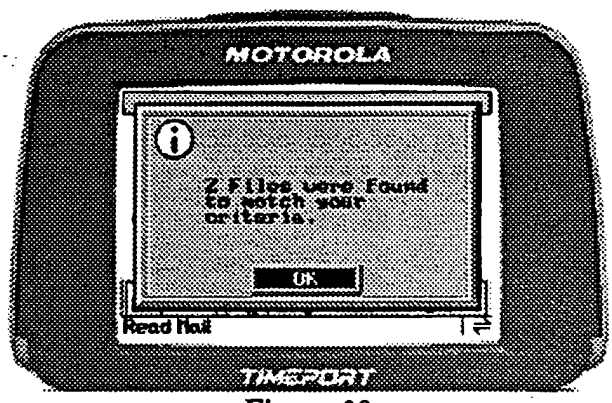


Figure 39

The PC Access feature in NotifyLink Desktop allows you to manage certain operations on your desktop PC from your wireless device. Figure 38 shows the PC Access screen
s.

Find

When you send a search request via the NotifyLink Desktop, NotifyLink Desktop conducts a search on your PC based on the information that you entered. The filename must contain a valid text string (conventional wildcards are supported), but the search path is optional. For example, you may specify a search for test.* or *.doc. The software starts searching from the default path (C:\) drive if a search path is not specified. If no drive is specified, the search terminates after 5 minutes. If many files are found that match your search criteria, you are asked to narrow your search criteria.

When the software finishes the search process, a message and an alert is sent to he device.

There are two types of alert messages:

1. No Match found.
2. (Number of) Match(es) found.

If matches are found, the message
is saved to a default Files folder in your message area. If this is your first file search, a Files folder is created for you. Inside the Files folder is the list of matches returned. If the path name is too long, only the last characters of the pathname (right hand side) are displayed.

Cancel

Returns to the Motorola MyMail Desktop Plus Main Menu.

Top

Section 28 - Security Screen

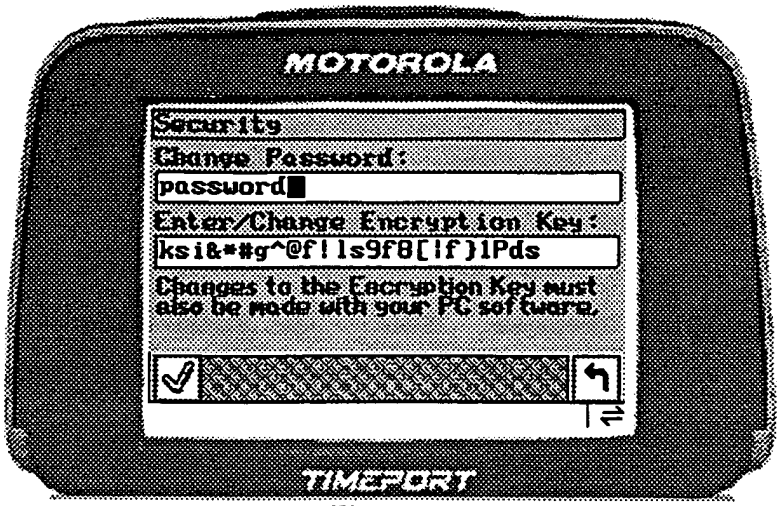


Figure 40

The screen shown in Figure 39 displays the Login password and the Encryption Key. You may change either or both of these. The Encryption Key may not contain a space and must be exactly 24 characters in length. ***Note:*** If you change the Encryption Key here, you must make the same change in your PC software. Failing to do so results in unreadable messages on your device.

Save

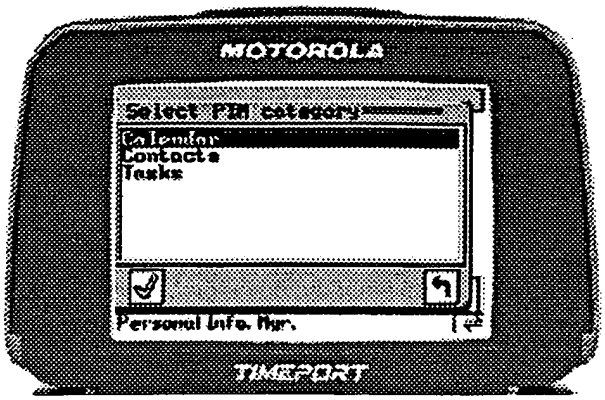
Selecting **Save** saves any changes you have made. If the Encryption Key is not 24 characters or contains a space, changes are not saved and an error message is displayed a pop-up.

Cancel

Returns to Preferences Screen.

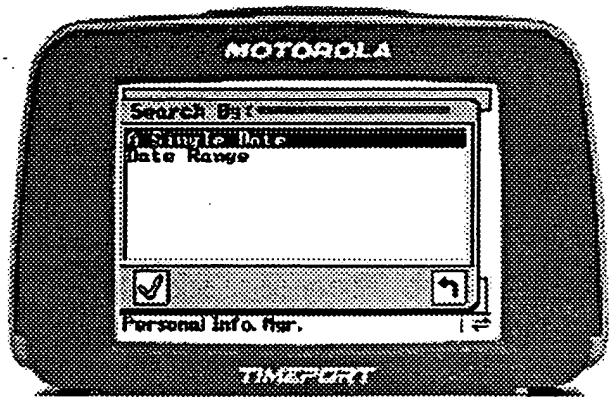
Top

Section 29 - Calendar Screen



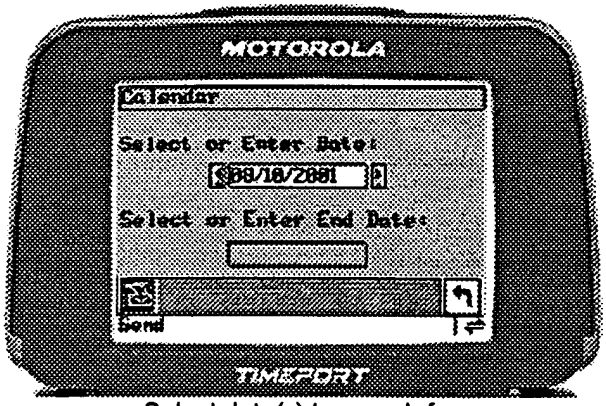
Select Calendar.

Figure 41



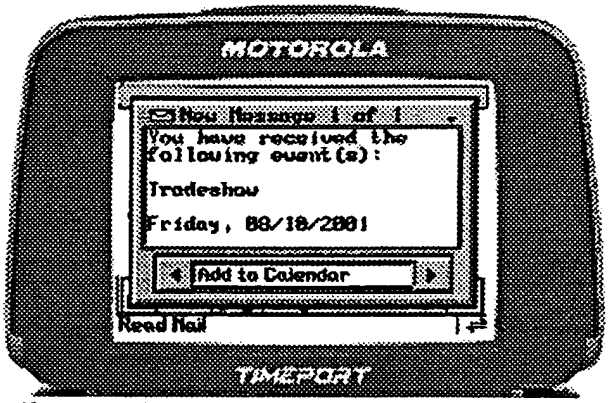
Select to search by a Single Date or a Date Range.

Figure 42



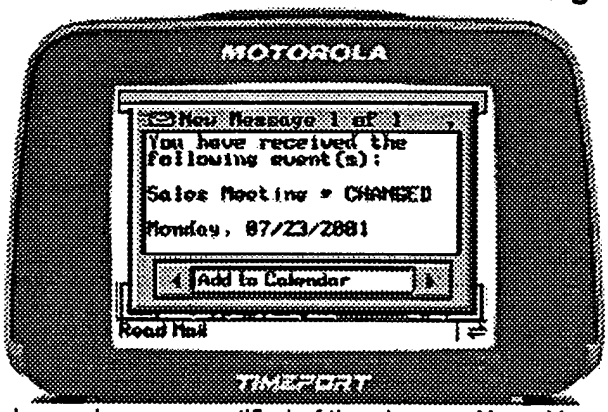
Select date(s) to search for.

Figure 43



If a match is found, your appointment is returned.

Figure 44



If an appointment is changed, you are notified of the change. ***Note:*** You will only be notified of changes if the the option to send a notification when my calendar is checked in the NotifyLink Desktop PIM Calendar Screen.

Figure 45

The Calendar Screens shown above allow you to select a single date or a date range for querying your Desktop PC calendar entries. The resulting Calendar entries from the query are sent to the Calendar Application. If you selected 'A Single Date', only the first date box is accessible. If you selected 'Date Range' both date boxes will be accessible.

To enter a date, use the NavDisk to move left and right one day at a time or type in the desired date and press 'Enter'

Send

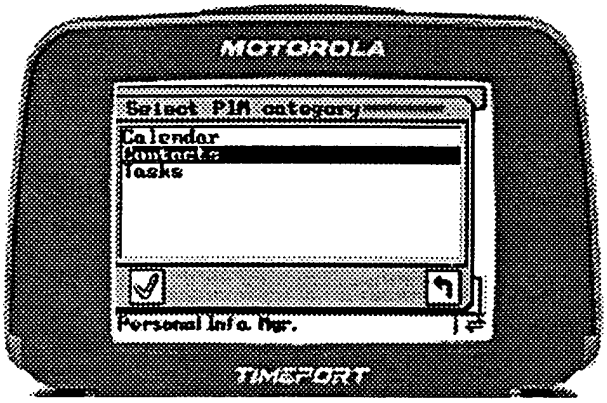
Sends a message to NotifyLink Desktop to find Calendar entries for the specified Date/Date Range.

Exit

Returns NotifyLink Desktop Main Menu without sending a query.

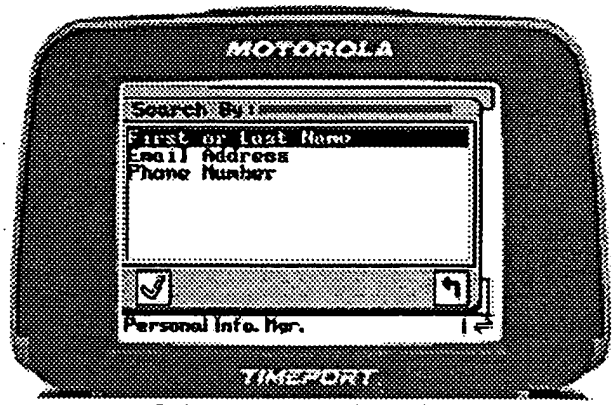
Top

Section 30 - Contacts Screen



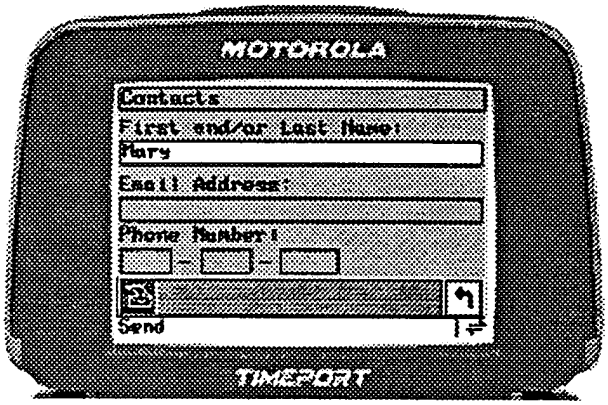
Select Contacts.

Figure 46



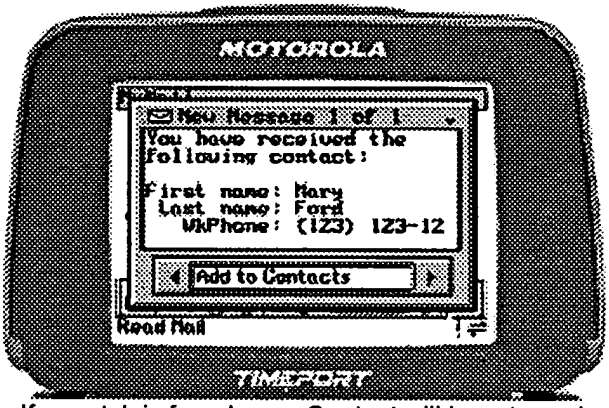
Select your search method.

Figure 47



Enter data to be searched for.

Figure 48



If a match is found, your Contact will be returned.

Figure 49

The Contacts Screens shown above are used to submit a Contact query. Enter the Name, Email Address or Phone Number of the Contact you want to find on you Desktop PC. A message is sent to your Desktop PC and your Contact list is searched for matches. If a single match is found, the contact is sent to the Contact application. If more than one match is found, the list of matches is sent to NotifyLink Desktop. You can view the list by opening 'Read Mail', select the account in which you have set as the default Find/PIM account, the opening the 'Contacts' folder. Highlight the contact you want and pressing 'Send' to have this Contact sent to the native contact application.

Send

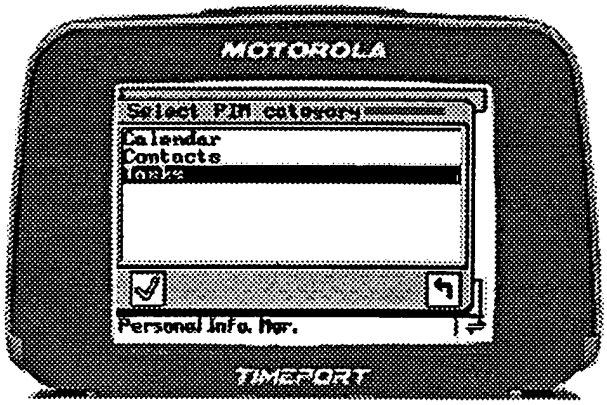
Sends a message to your Desktop Software to search the Contact list for entries that match the specified criteria.

Exit

Returns to NotifyLink Desktop Main Menu without sending a query.

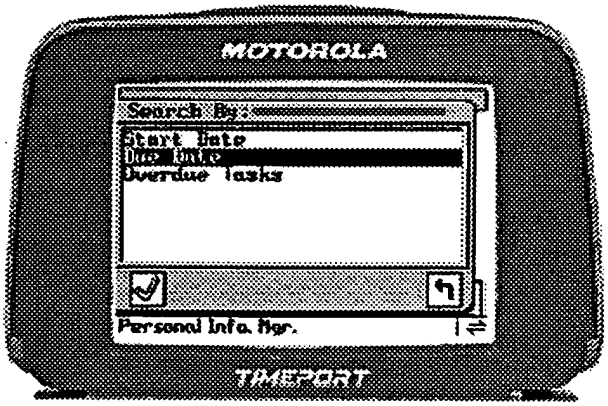
Top

Section 31 - Tasks Screen



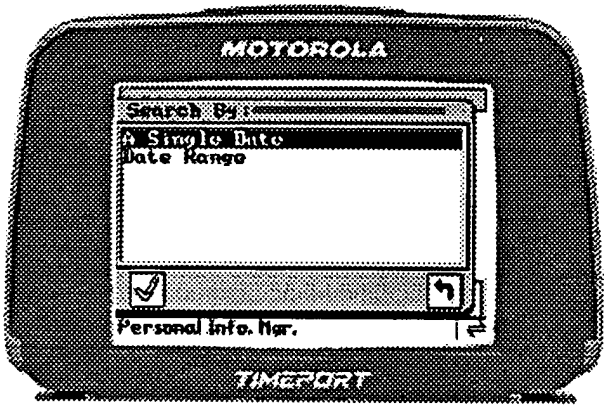
Select Tasks.

Figure 50



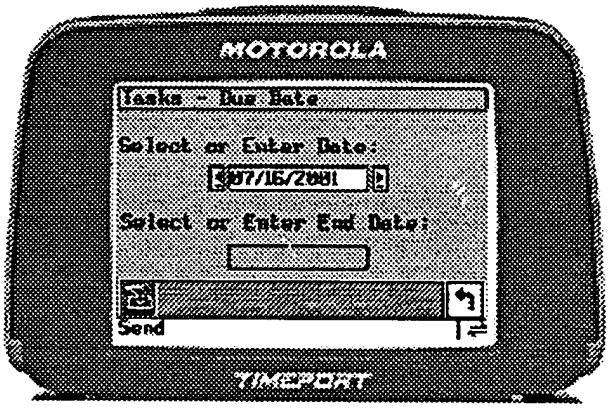
Select to search by Start Date, Due Date or Overdue.

Figure 51



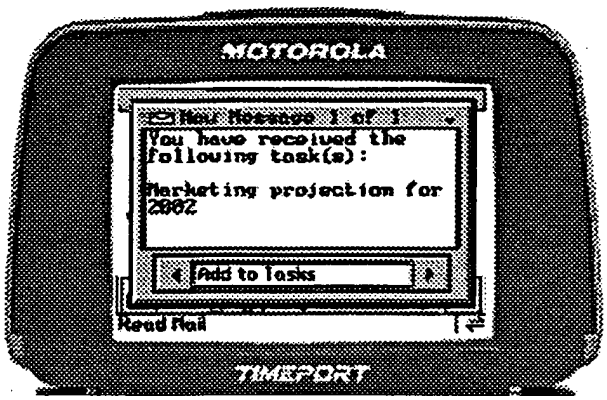
Select to search by a Single Date or a Date Range.

Figure 52



Select date(s) to search for.

Figure 53



If a match is found, your task will be returned.

Figure 54

The Tasks Screens, shown above allow you to select a single date or a date range for querying your Desktop PC calendar entries. The resulting Tasks entries from the query are sent to the Tasks Application. If you selected 'A Single Date', only the first date box is accessible. If you selected 'Date Range' both date boxes is accessible.

Send

Sends a message to your Desktop Software to search the Task list for entries that match the specified criteria.

Exit

Returns to NotifyLink Desktop Main Menu without sending a query.

Top

Section 32 - Commands for NotifyLink Desktop

About Commands

Commands are used in NotifyLink Desktop to send directions to the NotifyLink Desktop software residing on your desktop. You choose the **commands** to send when you reply to a message or compose a new message.

How to use Commands

From the NotifyLink Desktop Main Menu you may select:

1. **notify off** - Turns off notifications from the NotifyLink Desktop software (but leaves the software running). Choose **Commands** from the NotifyLink Desktop Main Menu. Highlight **notify off** from

the list of provided commands and select **Send** to confirm that you want to send your command.

2. **notify on** - Turns on notifications from NotifyLink Desktop. NotifyLink Desktop must be running to use this command. Choose **Commands** from the NotifyLink Desktop Main Menu. Highlight **notify on** from the list of provided commands and select **Send** to send your command.
3. **catchup** - Receive notification of messages that came into your mailbox while messaging was disabled. Choose **Commands** from the NotifyLink Desktop Main Menu. Highlight **catchup** from the list of provided commands and select **Send** to send your command.

From the Read function, when viewing a message, choose **Commands** and then you may select:

Any of the
5 commands that are available from the Write function, plus:

1. **more** - Requests another section of the current message be sent to your device (only if there is remaining text). From the Message screen, select **Commands**. Highlight **more** from the list of provided **Commands** and select **Send** to send your command.
2. **all** - Requests that notifications be sent to complete the message that you are currently viewing (only if there is remaining text). From the Message screen, select **Commands**. Highlight **all** from the list of provided commands and select **Send** to send your command.
3. **unblock** <e-mail address> - removes a block you have placed on a sender. This command requires that you type in the e-mail address of the sender you wish to unblock. From any message, select **Commands**. Highlight **unblock** and select **Send**. On the slideover, enter the email address that you want to unblock and select **Send** to send your command.
4. **block** - Blocks notifications from the sender of the currently displayed message. While viewing the message from the address that you want to block, select **commands**. Highlight **block** from the list of provided commands and select **Send** to send your command.
5. **delete** - Removes from your desktop inbox the message that prompted this notification. From the Message screen, select
   Commands. Highlight **delete** from the list of provided commands and select **Send** to send your command.

Top

Section 33 - Hints and Tips

1. Fill up your Contact List ahead of time.
2. Works like a 'Back' button.
3. Works like an 'Enter' button or 'OK' button.
4. To select an item from a list. n item from a list.
   a. Highlight the item
   b. Press Enter, press the ,or tab down to the button bar and press Enter

Top

Section 34 - Troubleshooting

Account Configuration

If you have changed the phone number on your device or are using a new device, you will need to change this information in the configuration program. This is done by opening configuration, selecting the device properties tab, then selecting the device button and then entering your new personal identification number

(the telephone number of your wireless device
).

Note: If you are missing options that should be present, there may be problems with the transmission of registration messages. If so, try resynchronizing through NotifyLink Desktop. This is done by right-clicking the NotifyLink Desktop tray icon, selecting open configuration, selecting the device properties tab, selecting the device button and selecting resynchronize.

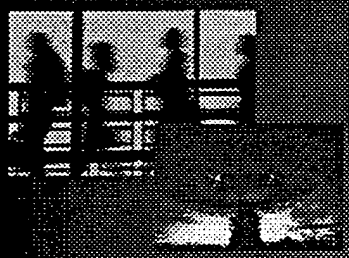
Top

TRADEMARKS AND SERVICE MARKS

- MOTOROLA, the Stylized M Logo and all other trademarks indicated as such herein are trademarks of Motorola, Inc. Reg. U.S. Pat. & Tm. Off. All other product or service names are the property of their respective owners.

2001 Motorola, Inc. All rights reserved. Printed in the U.S.A.

NOTIFY
TECHNOLOGY



The NotifyLink Desktop Edition - Standard Version offers users a virtual real-time wireless connection to their existing desktop based critical data: email, calendar, contacts, tasks, files.

The NotifyLink Desktop Edition - Standard Version enables users to conveniently access and manage this critical data from a variety of 2way devices, while they are mobile.

Supported Devices

- Motorola Talkabout® T900 2way
- Motorola Timeport™ P935 Personal Interactive Communicator
- Motorola Pagewriter® 2000x 2way
- Handspring™ Visor using Glenayre™ @ctivelink™ Module

Compatibility

PC Requirements

- Pentium Processor with 20 MB of Hard Drive Space
- 64 MB of RAM or More

Operating System Requirements

- Windows™ 95,98,2000
- Windows™ NT, ME, Etc

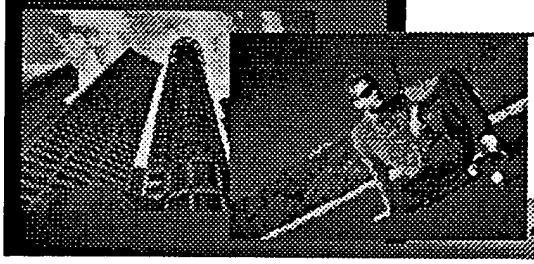
Supported Email Clients

- Microsoft Outlook™ 97 Vs. 8.3 +
- Microsoft Outlook™ 98, 2000

Other Requirements

- MDAC 2.11 or Higher. The Microsoft™ Data Access Components (MDAC) are the key technologies that enable Universal Data Access
- Microsoft Internet Explorer™ 4.0

Desktop Edition Standard Version Features	NotifyLink
Wireless Access to Your Email	✓
Real Time Email Notification	✓
Integrated with Existing Email Accounts	✓
Works with Various ReFLEX 2way Messaging Devices	✓
Works with ALL ReFLEX Service Providers	✓
Compose, Reply, & Forward as if it Were Sent from Your PC	✓
Multiple Email Account Management	✓
Designed for a PC With an "Always-On" Connection	✓
Supports Outlook, Outlook Express, Netscape, Eudora	✓
Desktop Email Synchronization with Your 2way Device	✓
Ability to Customize Your Wireless Email Header	✓
Robust Filtering	✓
Screen Saver Activation	✓
Encryption Supporting Triple DES & RC/4	✓
Customize Notification Appearance & Detail	✓
Customize Notification Size of Characters, Content, & Attachments	✓
Remotely Send, Reply, Delete, & Forward from Your 2way Device	✓
Remotely Block Incoming Email from Your 2way Device	✓
Remotely Enable or Disable Forwarding Email from Your Desktop	✓
Remotely Request More or All of an Email from Your 2way Device	✓



No one would ever know you responded to all your emails, managed your tasks, and closed the deal, all from the Back-9

Not Possible? Welcome to NotifyLink!

NOTIFY TECHNOLOGY

Link

ison

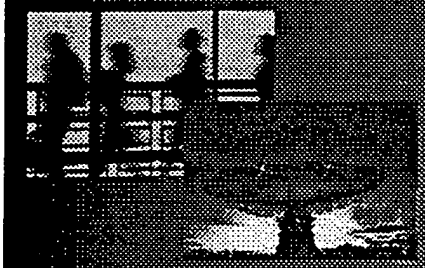
The NotifyLink Desktop Edition - Standard Version offers users a virtual real-time wireless connection to their existing desktop based critical data: email, calendar, contacts, tasks, files.

The NotifyLink Desktop Edition - Standard Version enables users to conveniently access and manage this critical data from a variety of 2way devices, while they are mobile.

The following is a feature comparison between the NotifyLink Desktop Edition and the BlackBerry™ Enterprise Edition with Desktop Reflector Software

Desktop Edition Standard Version Features	*NotifyLink*	*BlackBerry™*
Wireless Access to Your Email	✓	
Real Time Email Notification	✓	✓
Integrated with Existing Email Accounts	✓	
Works with Various ReFLEX 2way Messaging Devices	✓	✓
Works with ALL ReFLEX Service Providers	✓	✓
Compose, Reply, & Forward as if it Were Sent from Your PC	✓	✓
Multiple Email Account Management	✓	
Designed for a PC With an "Always-On" Connection	✓	✓
Supports Outlook, Outlook Express, Netscape, Eudora	✓	
Desktop Email Synchronization with Your 2way Device	✓	✓
Ability to Customize Your Wireless Email Header	✓	
Robust Filtering	✓	✓
Screen Saver Activation	✓	
Encryption Supporting Triple DES & RC/4	✓	✓
Customize Notification Appearance & Detail	✓	
Customize Notification Size of Characters, Content, & Attachments	✓	
Remotely Send, Reply, Delete, & Forward from Your 2way Device	✓	✓
Remotely Block Incoming Email from Your 2way Device	✓	
Remotely Enable or Disable Forwarding Email from Your Desktop	✓	
Remotely Request More or All of an Email from Your 2way Device	✓	

NOTIFY
TECHNOLOGY



Supported Devices

- Motorola Talkabout® T900 2way
- Motorola Timeport™ P935 Personal Interactive Communicator
- Motorola Pagewriter® 2000x 2way
- Handspring™ Visor using Glenayre™ @ctivelink™ Module

Compatibility

PC Requirements

- Pentium Processor with 20 MB of Hard Drive Space
- 64 MB of RAM or More

Operating System Requirements

- Windows™ 95,98,2000
- Windows™ NT, ME, Etc.

Supported Email Clients

- Microsoft Outlook™ 97 Vs. 8.3 +
- Microsoft Outlook™ 98, 2000,

Other Requirements

- MDAC 2.11 or Higher. The Microsoft™ Data Access Components (MDAC) are the key technologies that enable Universal Data Access
- Microsoft Internet Explorer™ 4.0

NotifyLink Desktop Edition

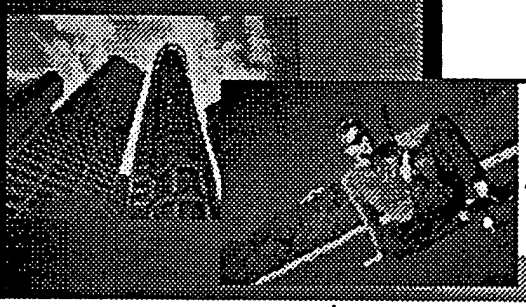
The NotifyLink Desktop Edition - Standard Version offers users a virtual real-time wireless connection to their existing desktop based critical data: email, calendar, contacts, tasks, files.

The NotifyLink Desktop Edition - Standard Version enables users to conveniently access and manage this critical data from a variety of 2way devices, while they are mobile.

NotifyLink Desktop Edition - Standard Version software has been designed for a Windows-based PC that has an "Always-On" connection to the Internet.

Standard Version Features

- Remote Access to your existing desktop email accounts (up to six)
- Eliminate the inconvenience of a separate mobile email address
- Compose, Read, Reply to, Forward, and Delete email while mobile from multiple 2way devices
- Easily customize the size, appearance, and content of emails forwarded to your 2way device
- Powerful filtering lets you control which email is forwarded to your 2way device
- Supports a variety of email commands
- Supports Outlook, Outlook Express, Netscape, Eudora, etc.
- Synchronizes with your PC email wirelessly
- Designed for the "Always-On" PC running Windows 95, 98, 2000, ME, NT, etc.
- Supports secure, end-to-end, encryption when used with the Motorola Timeport™ P935 or the HandSpring™ Visor using the Glenayre™@ctiveLink™
- Software Installed on your PC and specific 2way devices



No one would ever know you responded to all your emails, managed your tasks, and closed the deal, all from the Back-9

Not Possible? Welcome to NotifyLink!

NOTIFY
TECHNOLOGY

NotifyLink Desktop
Standard and Professional Versions
For ReFLEX Networks

White Paper

April 2001

Notify Technology Corporation
1054 S. DeAnza Blvd, Suite 105
San Jose, CA 95129
www.notifycorp.com

Copyright

Copyright © 2001 Notify Technology Corporation all rights reserved. Neither this publication nor any part of it may be reproduced, transmitted, transcribed, stored in a retrieval system, or translated into any language in any form or by any means without permission from Notify Technology Corporation.

April 2001. Printed in the United States of America

Notify Technology Corporation
1054 S. DeAnza Blvd. Suite 105
San Jose, CA 95129

Table of Contents

1.0	**Introduction**	**4**
2.0	**Desktop Overview**	**5**
3.0	**Desktop Software Architecture**	**6**
4.0	**Desktop Features**	**6**
4.1	*Desktop Configuration*	*7*
4.2	*Desktop Email Features*	*7*
4.3	*Remote Email Commands*	*8*
4.4	*Folders*	*9*
4.5	*Filtering*	*9*
4.6	*Synchronized Personal Information Management*	*10*
4.7	*Calendar*	*10*
4.8	*Contacts*	*11*
4.9	*Tasks*	*11*
5.0	*Files*	*11*
6.0	**System Commands**	**12**
7.0	**Wireless device Information Protection**	**12**
8.0	**Wireless Link Protection**	**12**
9.0	**Company LAN Protection**	**13**
10.0	**Peer-to-Peer Addressing**	**13**

1.0 Introduction

Although laptops were designed to be portable, they have proven to be cumbersome to carry and slow to start up. Many mobile professionals now carry a Personal Digital Assistant (PDA) instead of a laptop to provide a link to desktop Personal Information Management which is defined as email, contacts, tasks, calendar, and files on your desktop computer. Laptops still are the most common solution for responding to email while on the road. A mobile user must find a "dial-in" port for their laptop to check if they have any email as well as perform a down load of their email to the laptop. After processing the email the mobile user needs to "dial-up" for a second time and transmit the responses or actions back to the email system.

Market research and focus groups on mobile access have discovered common complaints from business travelers about the inconvenience of lugging around a laptop just for email as well as the tedious nature of having to find an appropriate place to "dial-up" or what number "to dial". From an IT perspective, maintaining modem banks for "dial-up" users, as well as an inbound path to the corporate network for mobile users not only consumes resources, but provides a security concern. Although business users may prefer a PDA, due to its size, and convenience, without a wireless interface and appropriate security they will not provide an adequate replacement for a laptop.

With these issues in mind Notify Technology created the NotifyLink Desktop wireless solutions. Notify's NotifyLink Desktop products provide a complete solution for accessing Personal Information Management data on a user's desktop. Notify defines Personal Information Management to be a combination of email, contacts, calendar, tasks, and files that provide information to a user. Notify's initial release of the NotifyLink Desktop software products are focused on wireless devices supporting the ReFLEX™ 2way network protocol developed by Motorola. These devices include the Motorola Talkabout™ T900, the Motorola Timeport™ P935, and the Handspring™ Visor using the Glenayre™ @ctiveLink™ ReFLEX module.

The NotifyLink Desktop solution provides a number of innovated features for mobile email.

- NotifyLink has eliminated the hassles of "dial-up" by moving mobile email to "push" architecture. In the traditional "pull" model, the user periodically connects to the corporate email server to check for new messages. In a "push" model, the information connects to the user, notifying them immediately of incoming messages. When email arrives at the corporate Inbox, a copy will immediately be "pushed" (i.e. sent) to the 2way wireless device.

- Allows the user to not only access their Microsoft Exchange account but any email account that can be accessed by Microsoft Outlook, Netscape, Eudora, and Microsoft OutLook Express.

- Provides desktop email synchronization of "Inbox", "Sent Items", and "Deleted Items" folders from the 2way wireless device.

- Dynamic filtering per email account is available from their 2way wireless device regardless of any other filter definition

- NotifyLink provides wireless "push" and inquiry capability for all personal information management functions.

- NotifyLink provides the industry's first mobile access to finding and sending desktop files.

- Unlike other wireless email solutions, NotifyLink does not use a separate email address for the 2way wireless device. Mobile professionals have made it clear that they want access to their current email accounts– not an additional email account.

- NotifyLink provides a completely secure, end-to-end link between your email and applicable 2way wireless devices.

2.0 NotifyLink Desktop Software Overview

The general operation of the NotifyLink Desktop software is very simple. When email arrives at the user's desktop the NotifyLink Desktop software will filter and encrypt the message and send it via the Internet to the wireless network. The outgoing message is an unreadable email that can only be decrypted at that the user's 2way wireless device. The wireless network then delivers the message to the wireless device. At the wireless device, the message is decrypted and the user is notified of its arrival. For this email redirection system to operate, users must leave their desktop computers running. (A password protected screen saver is recommended for security.) The path from the wireless device to the desktop follows the same steps, only in reverse. When a message is composed on the wireless device, it is encrypted and sent back to the user's desktop over the Internet from the wireless network. Once the email is received, the NotifyLink Desktop software decrypts the message and places it in the Outbox. The result is, there is no difference between a message that has been sent from the wireless device and a message that has been sent from your desktop email client, they both originate from the user's email address and a copy is placed in the user's Sent Items folder.

3.0 Desktop Software Architecture

An overview of the system architecture for the NotifyLink Desktop software is provided in Figure A. At the heart of this wireless email solution is the NotifyLink Desktop software which uses the desktop PC's storage for keeping unique information for each user. This includes security information, specialized forwarding rules and 2way wireless device and carrier information. Each user configures their own filter rules and encryption key information in the NotifyLink Desktop Configuration Manager component of the Desktop software. NotifyLink Desktop software encrypts the data and uses SMTP, an email transport protocol, to reach the carrier network. The carrier network then transmits the information to the ReFLEX 2way wireless device where it is decrypted.

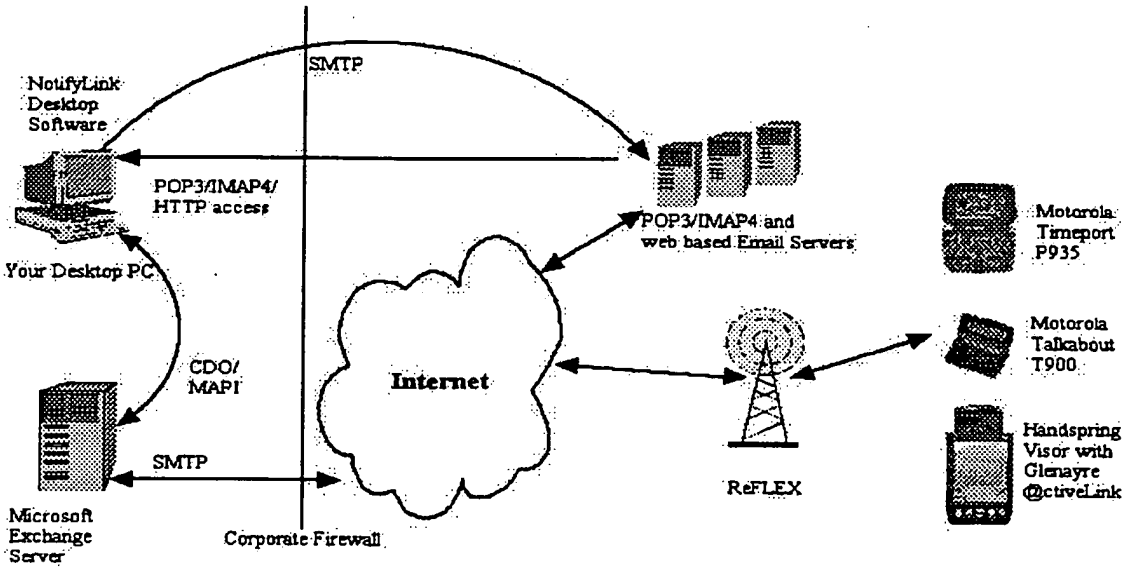


Figure A

4.0 Desktop Feature Overview

The NotifyLink Desktop Edition software is comprised of two packages called the Standard Version and the Professional Version. The NotifyLink Desktop software has eliminated the hassles of the "dial-up" mobile user who periodically must connect to the corporate email system to check for new email messages. Utilizing the "always on" feature of ReFLEX networks, a mobile user will be notified within minutes that they have new email from any of their specified email accounts. NotifyLink will also provide the wireless link between a user's Personal Information Management on their desktop and the 2way wireless device.

4.1 Desktop Configuration

The NotifyLink Desktop software will require some simple user configuration. The configuration process involves entering information pertaining to specifying email accounts, email notification format, wireless device type and carrier, any security options, definition of any filters as well as specifying options for personal information management features such as contacts, tasks, and calendar. A screen saver option will provide a convenient way to activate or deactivate the NotifyLink Desktop software.

4.2 Desktop Email Access Technology

The NotifyLink Desktop software is the control center for Notify's wireless email solution. The NotifyLink Desktop software uses Microsoft's Collaboration Data Objects (CDO) which in turn uses Microsoft's Messaging Application Programming Interface (MAPI) to connect to the user's email account. The CDO interface provides access to new email, and it is central to the NotifyLink's "push" architecture. New messages are pushed to the 2way wireless device once they arrive in the user's corporate mailbox. NotifyLink Desktop software, using the CDO technology, places messages composed on the wireless device, in the user's email client outbox such that the message originates from the corporate email account with a copy kept in the user's Sent Items folder.

Another example of how the CDO may be used for advanced functionality is address resolution. In the normal operation of the Desktop software, users send messages to Internet email addresses whether they are internal (e.g.name@company.com) or
external (e.g.name@anothercompany.com).

However, in Microsoft Outlook, the user may send messages to non-Internet addresses as well. For example, the user can compose a message to "Engineering" and choose "Check Name". CDO will examine the Global Address Book, the Personal Address Book and the Contacts (or a subset of these, depending on the user's configuration of CDO) for a matching entry (e.g. a global or personal distribution list) "Engineering" or the address ("engineering@company.com") If found, that address will be used. The Desktop software would use the same CDO address lookup used by Microsoft Outlook. Therefore, if the user composes a message to "Engineering" on the wireless device, the Desktop software would perform the same address lookup and send the message to the same destination as Outlook. **NotifyLink Desktop software currently does not provide advanced address resolution but this feature is planned in a future release.**

4.3 Remote Email Commands

The NotifyLink Desktop software is also responsible for a number of advanced features that are not immediately visible to the user. Features such as requesting more of a message, including original messages in replies and forwarding messages, provides the user with some ability to remotely control their desktop Inbox. When a long message arrives in the users email Inbox, only the first 500 characters (approximately) of the message body will be sent initially to the wireless device. If an attachment is sent in the message, only the file name and size of the attachment are sent. If the user wishes to read more of the message, the user, from their 2way wireless device, requests "more" and the NotifyLink Desktop software will send the next 500 characters. The wireless device will then add the additional 500 characters to the original message and inform the user (as with a new email message) that more of the message has arrived. With this advanced "more" feature, the user can judge the value of the message and respond accordingly before memory and battery life is expended to deliver the additional information to the 2way wireless device.

Similarly, when the user selects "Reply with Text" or "Forward" on the wireless device, only their response is sent from the wireless device to the PC. Back at the PC, the NotifyLink Desktop software will construct a message consisting of the user's response and the original message and send this to the individual or list of recipients. This ensures that the recipients receive a complete copy of the original message, regardless of its size, while minimizing the data that is sent from the wireless device. The remote forwarding ability allows users to "remotely" forward long messages or attachments to co-workers.

A user can manage their Inbox on either the wireless device or the desktop, with any changes being automatically synchronized as part of the email reconciliation feature. When utilizing the NotifyLink delete command, a user may deletes an email from their 2way wireless device, and it will also be deleted from the Inbox, and be moved to the deleted items folder on their desktop as well.

4.4 Folders

Many users choose to organize their email into separate folders within their default email software. The Folders option in NotifyLink Professional Version will allow a user to select which folder they would like monitored for new email. NotifyLink will search in the selected folders for new email. If any new email is found and meets the criteria defined by the user in the NotifyLink configuration screen, the email will be forwarded to your Wireless device. For example, this feature may be utilized when a user has separate sub-folders for each of their co-workers and their boss. The user may define which folder or folders need to be monitored and the criteria in which the email is to be forwarded to their 2way wireless device. If the user's boss or selected co-workers sent an email, the user will only be forwarded the email that meet the Users specific criteria. The user may not UN-select any of the root folders, which are indicated in bold letters, which are found in the folder root directory.

4.5 Filtering

While the "push" model allows for paging-like responsiveness, given the typical daily volume of email, the notification of each new message can be disruptive. The objective of the NotifyLink wireless email solution is to allow users to take control of their email, not to increase emails control of them. To this end, extensive filtering capability is included in the NotifyLink Desktop packages to allow the user to control the flow and priority of new messages. Messages can be filtered on a wide range of criteria. Filters are defined in the NotifyLink Desktop Configuration Manager and stored on the desktop computer. Depending on the criteria that apply, messages can be forwarded or not forwarded or forwarded to your 2way wireless device.

The filter flexibility allows users to control how they use wireless email. Users could receive most of their email at the wireless device to read during their downtime, filter out regular "bulk" mailings that can be left until later, have messages from their superiors, or immediate workgroup notify them to ensure a quick response. Still other users could set filters to only forward important email and set the wireless device to notify them of every message that arrives on the wireless device.

When new email arrives in the user's Inbox, it is either filtered or forwarded to the wireless device. If the screen saver option is activated and the screen saver is running, then emails will be forwarded. Otherwise if the screen saver is not running, emails will not be forwarded. This provides a convenient way to utilize the NotifyLink feature while you are in

the office. If any NotifyLink email or system commands are detected while the screen saver is not running, they are processed even though email forwarding is deactivated.

4.6 Synchronized Personal Information Management

The NotifyLink Desktop Professional Version provides a wireless link to a user's Personal Information Management functions namely their Microsoft Outlook/Exchange calendar, contacts, tasks, and files on their PC. The NotifyLink Desktop Professional Version will enable the 2way wireless device and the PC to exchange calendar events wirelessly so that changes to either the Outlook calendar or to the wireless device calendar are synchronized using the wireless network. Mobile professionals who have assistants or colleagues scheduling appointments for them will benefit from the immediate updates to their schedule. The user can work with the schedule in their 2way wireless device feeling confident that any last minute changes that may have been arranged through their office are reflected in their wireless device. Likewise, as users books appointments into their 2way wireless device calendar, anyone who might be checking their availability in Microsoft Outlook will be provided the user's most up-to-date schedule. With the 2way wireless synchronization of a mobile user's calendar, NotifyLink keeps the user 'Always On, Always Linked' to their email, calendar, contacts, and files – four of the most dynamic and critical types of information for any mobile professional.

4.7 Calendar

The NotifyLink Desktop Professional Version software provides a user with immediate updates and reminders on their calendar of events. The NotifyLink Desktop Professional Version relays meeting requests to the user's wireless device where the user can accept or reject the request. Both the Outlook calendar and the wireless device calendar are updated with the new meeting. In addition, a NotifyLink user can initiate a meeting request inviting attendees from their address book. As invitees accept or decline the meeting, the meeting status on the wireless device is also updated. Since the users calendar information is synchronized wirelessly, both the user and those booking meetings will be aware of potential conflicts in the schedule. Users who are in high demand to attend meetings can now immediately indicate their availability, even when away from the office. NotifyLink Desktop Professional Version also gives mobile users the ability to initiate a meeting without waiting until they are back in the office, giving attendees more time to confirm their schedules. **NotifyLink Desktop Professional Version does not currently provide this feature, but is planned in a future release.**

4.8 Contacts

The NotifyLink Desktop Professional Version will provide users, that do not want to keep all of their contact information on the wireless device, a wireless interface to their desktop contact information. From the wireless device, a user can inquire about specific contact information from the desktop contact database. The information, sent from the desktop to the wireless device, is user defined during the initial configuration of NotifyLink desktop software. NotifyLink will prompt the user to save the results in the wireless device's local contact list or email the results to another party. In addition as new contacts are entered on the wireless device they can be sent to the desktop to be added to the user's desktop contact database. For users that want to keep the entire desktop contact database on their wireless device, it is recommended that the physical synchronization feature between the device and desktop information be used as often as required with the Motorola Timeport™ P935, and the Handspring™ Visor using the Glenayre™ @ctiveLink™ ReFLEX module.

Many times a user will gain new contact information while mobile. The NotifyLink Desktop Professional Version will allow the user to enter the new contact information on the 2way wireless device and specify that it be synchronized with their desktop contact database.

4.9 Tasks

The NotifyLink Desktop Professional Version enables users to access and manage their task management feature, in Microsoft's Outlook. NotifyLink will provide reminder messages to the 2way wireless device detailing daily tasks, due tasks, and/or overdue tasks. The user is able to specify the information about each task sent to the wireless device during the configuration of the NotifyLink Desktop Professional Version software.

5.0 Files

With the NotifyLink Desktop Professional Version a user can initiate the "find" command to find a file on their desktop computer from the 2way wireless device. The response to the user will be either one or more file names matching the inquiry. Once the appropriate file name is found, the user can specify that file be sent to a specified user as an attachment to an email from the 2way wireless device.

6.0 System Commands

Both NotifyLink Desktop software packages will provide the users with system-wide commands that will allow them to turn NotifyLink Desktop software "on" or "off" from the wireless device. In addition there is a "catchup" command that is very useful when a user accidentally forgets to turn the NotifyLink Desktop software "on" and new email has arrived at their PC with transmission to their wireless device. By issuing the "catch-up" command from the wireless device, a user can have all of the emails that were not transmitted to the wireless device, be transmitted all at once to catch up to the most recent email.

7.0 Wireless Device Information Protection

Users may use various wireless device features to protect their information. Each user can set an individual password that is between 4 and 14 characters long. The aim of the password is to ensure that only the owner has access to the information stored on the wireless device. The wireless device rejects weak passwords, such as those composed of identical characters or those that consist of a natural sequence (i.e. 1, 2, 3, 4, etc.). Storing only a hash of the password on the wireless device protects the password itself. This ensures that even if someone had the contents of memory, it would not be possible to determine the password. When the user enters the password, the wireless device performs a one-way hash of the entered characters and then compares the hashed input to the stored hashed password. Security-conscious companies will value this added feature. Using the password ensures that users always require at least two pieces of security to access their corporate email. In this case, they physically have the security of the wireless device as well as the knowledge of a private password. **NotifyLink Desktop software currently does not provide a 2way wireless device password but this feature is planned in a future release.**

8.0 Wireless Link Protection

The NotifyLink Desktop was designed to ensure that information sent over the 2way wireless network that is also secure. Data sent from the 2way wireless device to the desktop or company LAN is encrypted using the Triple-DES algorithm running on a Handspring™ Visor using the Glenayre™ @ctiveLink™ ReFLEX module, or RC/4 running on a Motorola Timeport™ P935.

Both algorithms are time-tested encryption algorithms favored by many companies. Security is derived from an encryption key shared by the wireless device and the desktop. The key used by the wireless device is generated on the desktop by extracting random information from mouse movements then hashing the collected random bits. The key is then encrypted and sent to the 2way wireless device. For additional security, if the user wishes to make up their own key via the NotifyLink Desktop software and on their 2way wireless device, they

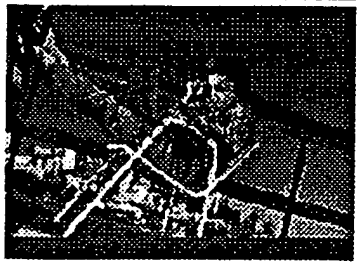
may do that as well. This exchange can be done one time or more times at the discretion of the user. The advantage of this symmetric key encryption system using a secure key exchange is that the encrypted data exchanged between the wireless device and the desktop is guaranteed to be confidential and authenticated since it comes from a source holding the shared key. Once this key has been generated, a copy of it is stored on the desktop and a copy is stored on the 2way wireless device. For messaging to occur, these keys must match at both the NotifyLink Desktop software and the wireless device. In the NotifyLink solution, information transferred between the wireless device and the desktop or company LAN is not decrypted at any intermediate point. This means that only the desktop and wireless device users have access to the information sent between them. In particular, it means that the service provider does not have access to any potentially sensitive company information.

9.0 Company LAN Protection

The protection of existing information found on the desktop or company LAN is the responsibility of the corporate MIS department. Information stored on the desktop is not specifically protected by the NotifyLink security system. The NotifyLink security system is intended to extend the existing security of information on the desktop to information being transmitted to, and available on, the ReFLEX 2way wireless device. Users desktop PC must be protected by a secure company firewall in order for the NotifyLink Desktop software solution to offer a reliable security system. If the user sends email from the wireless device to someone outside the company firewall, the message first travels to the "firewall protected" desktop.

10.0 Peer-to-Peer Addressing

In addition to messages sent by email, which are sent securely, the 2way wireless device offers a peer-to-peer option allowing users to send messages from their 2way wireless device directly to another 2way wireless device using that wireless device's PIN or email address. Messages sent peer-to-peer are scrambled to protect against casual eavesdropping, but are not fully secure. If the user requires a fully secure link to send email, they will want to utilize the NotifyLink Desktop Edition form of secure email transmission.



Documentation & Detailed Information

The following is a list of detailed information about each NotifyLink Product Edition.

Internet Edition

- NotifyLink Frequently Asked Questions
- Internet Edition User's Guide
- Quick Reference Guide to Features
- NotifyLink Feature Comparison
- Internet Edition Data Sheet

Desktop Edition–Standard

- NotifyLink Frequently Asked Questions
- Desktop Edition-Standard Version User's Guide Talkabout ® T900
- Desktop Edition-Standard Version User's Guide Timeport™ / Pagewriter
- Quick Reference Guide to Features
- NotifyLink Feature Comparison
- Desktop Edition-Standard Version Data Sheet
- Desktop Edition-Standard & Professional Version White Paper

Desktop Edition–Professional

- NotifyLink Frequently Asked Questions
- Desktop Edition-Professional Version User's Guide Talkabout ® T900
- Desktop Edition-Professional Version User's Guide Timeport™ / Pagewriter
- Quick Reference Guide to Features
- NotifyLink Feature Comparison
- Desktop Edition-Professional Version Data Sheet
- Desktop Edition-Standard & Professional Version White Paper

NotifyLink Desktop Frequently Asked Questions

1. What is NotifyLink Desktop?
2. Why should I use NotifyLink Desktop?
3. What is the main functionality of NotifyLink Desktop?
4. Why do I need to use NotifyLink Desktop when my wireless device can receive email?
5. Does NotifyLink Desktop work with other wireless devices?
6. Which email systems does NotifyLink Desktop software support?
7. Can I keep my existing email account?
8. Can I still send email using my wireless device's unique PIN based email account?
9. What email operations can I perform?
10. Can I view email attachments on my wireless two-way messaging device?
11. What email addresses will messages sent from my wireless two-way messaging device use?
12. Can I send attachments using my wireless two-way messaging device?
13. Can I keep copies of the messages I send?
14. What does a typical NotifyLink Desktop Notification consist of?
15. Do I get all of each message, or just part of it?
16. I'm worried about incurring excessive airtime charges. Can I filter the messages that I receive on my wireless device?
17. What is the difference between a Block and a Filter?
18. Is it possible to receive a virus on my wireless two-way messaging device?
19. What are the software and hardware requirements for NotifyLink Desktop software?
20. Does my PC need to be running for NotifyLink Desktop to work?
21. What happens if my company's Exchange Server goes down?
22. What if my PC looses Internet connectivity?
23. My PC has backups performed on it. Will this process interfere with the NotifyLink Desktop software?

What is NotifyLink Desktop?

NotifyLink Desktop is a personal computer (PC) based software application that acts like a remote control for your PC Email, giving you the freedom to manage your messages from any location. Motorola powers NotifyLink Desktop with its ReFLEX® wireless network protocol, which integrates with your desktop Email application to handle the routing of your Email messages to your wireless device.

Designed to work with both corporate and personal Email systems, NotifyLink Desktop enables you to compose, read, reply to, and forward Email messages using your wireless device. NotifyLink Desktop allows you to react quickly without the need for a bulky laptop computer to access your Email.

Messages are sent from your PC with the FROM address as the desktop Email address. This eliminates the confusion of separate PC and mobile Email addresses. Using a single Email address, you can receive Email messages both in your desktop mailbox and on your wireless device.

With NotifyLink Desktop, you decide which messages you want to see on your wireless device. To help reduce your airtime costs, you can filter which messages are sent to your wireless device. You can even control how much of an Email message is sent. If you want to see more of a particular message, you can request additional text or you can wait until you return to the office to read the entire message.

An advantage NotifyLink Desktop has over other wireless Email applications is that it provides you with the option to keep a copy of the messages sent to and from your wireless device (the copy is saved on your PC). Handling attachments is also a snap. NotifyLink Desktop will advise you of the name of any attached files when you receive in an Email message. You can forward the message along with the attachment to an associate to handle, instead of waiting until you return to the office to open and read the attachment. NotifyLink Desktop will also allow you to use your wireless device to compose and remotely send Email messages from your own PC

Top

Why should I use NotifyLink Desktop?

NotifyLink Desktop enables mobile professionals to make the most of their most precious resource: time.

- Extends the power of your email into the field
- Offers economical and simple-to-use wireless email extension
- No need for both office and remote email addresses.
- No need for a bulky laptop computer, if all you are going to use it for is remote access to your email.
- Enhances the value of your wireless two-way messaging device.

Top

What is the main functionality of NotifyLink Desktop?

NotifyLink Desktop allows you to:

- Originate, receive, reply to, and forward email messages
- Remotely manage email attachments

In addition, NotifyLink Desktop offers the following:

- Location transparency
- Optimized wireless data solution

Top

Why do I need to use NotifyLink Desktop when my wireless device can receive email?

With NotifyLink Desktop, you can send and receive email messages using your office email address whether you are using email in the office or from your wireless two-way messaging device. All messages you receive and send using the software will be stored in your email mailbox. In addition, from your wireless device, you can specify which messages and how much of each message you want to receive, thus reducing your airtime costs.

Top

Does NotifyLink Desktop work with other wireless devices?

NotifyLink Desktop works with a variety of wireless two-way messaging devices, including the Motorola Talkabout® T900 2way, Timeport™, and Pagewriter™ 2000.

Top

Which email clients does NotifyLink Desktop software support?

- Microsoft Outlook 97
- Microsoft Outlook 98 (Corporate or Workgroup)
- Microsoft Outlook 2000 (Corporate or Workgroup)
- Microsoft Outlook 2002 (Corporate or Workgroup)
- Outlook Express version 4.0 and later* (POP3)
- Netscape Communicator 4.x, where x is 5 or greater* (POP3)
- Eudora version 5.0 and later* (POP3)

Top

Can I keep my existing email account?

Yes. With NotifyLink Desktop you can keep your existing email account, and with the convenience of a single email address, people always know exactly how to reach you, plus you get the freedom to manage your email from any location.

Top

Can I still send email using my wireless device's unique PIN based email account?

Yes. NotifyLink Desktop customers can easily send and receive email messages directly from any valid email address using their wireless device's unique PIN based email account. Thus, users retain the immediacy of message transportation that they expect from a wireless two-way messaging device.

Top

What email operations can I perform?

You can originate, receive, reply to, and forward your business and personal email messages directly from your two-way messaging device, as if you sitting at your own office desk or home computer. (Note: Some operations may be device-dependent.)

Top

What email addresses will messages sent from my wireless two-way messaging device use?

With NotifyLink Desktop, all email messages that are sent from your wireless device will use your normal business or personal email address. You decide which one to use and when to use it.

Top

Can I view email attachments on my wireless two-way messaging device?

No, you cannot actually view the attachments; however, you can configure NotifyLink Desktop to advise you of the number or name of attachments on your email messages, as well as the size of the attachments. You can also forward messages with attachments to another person to handle, or you can wait until you return to your desktop to open and review the attachment. (Note: This functionality may be device-dependent.)

Top

Can I send attachments using my wireless two-way messaging device?

You can forward email messages that you received that have attachments.

Top

Can I keep copies of the messages I send?

Yes. Copies of messages will be sent to your normal business or personal email boxes.

Top

What does a typical NotifyLink Desktop Notification consist of?

Typically, the Notification will include the sender, subject, size, date and time, and if there are attachments, the name and size of each attachment. The Notification can be customized to meet your needs.

Top

Do I get all of each message, or just part of it?

You decide. You can receive only the first 100 characters of a message including the header, or the entire body up to 500 characters. If after you have received the first 100 characters of a message you want to see more, you can request an additional 100 characters, and so on.

Top

I'm worried about incurring excessive airtime charges. Can I filter the messages that I receive on my wireless device?

Yes. The NotifyLink Desktop message filtering capability allows you to control which messages are sent to your wireless device. You can set specific criteria to define which messages you want to block or set criteria for those messages that you want to receive.

Top

What is the difference between a Block and a Filter?

When you want to prevent messages from being sent to you from a specific email address, you may apply a **block** from your wireless device. This works just like blocking a call on your telephone. Once you have received an email message, you can apply the block to the email address, and no further messages originated from that email address will be sent to your wireless device. A block is NOT the same thing as a filter (although some filters might act like a block), and a block can ONLY be applied from your wireless device. A block will take precedence over any filters that you may have in place.

Top

Is it possible to receive a virus on my wireless two-way messaging device?

Network professionals have verified that viruses can only be damaging to a system if an attachment is opened. Since attachments can't be opened directly from your wireless two-way messaging device, no threat is posed at this time. (Source: Avert Labs for Network Associates.)

Top

What are the software and hardware requirements for NotifyLink Desktop software?

NotifyLink Desktop software requires the following:

Hardware Requirements

- Pentium Processor compatible or better with 20 MB of free hard disk space
- 64 MB RAM (or higher) recommended

Operating System Requirements

- Microsoft Windows 95
- Microsoft Windows 98
- Microsoft Windows NT with Service Pack 4.0 or higher
- Microsoft Millennium
- Microsoft Windows 2000

Other

- Internet Explorer 4.0 or higher.

Top

Does my PC need to be running for NotifyLink Desktop to work?

Your PC needs to be on and running in order for you to receive notifications on your wireless two-way messaging device.

Top

What happens if my company's Exchange Server goes down?

If your company's Exchange Server goes down, you must follow the same steps that you would for your email software. The normal process in this event is to stop the NotifyLink Desktop software and restart it.

Top

What if my PC loses Internet connectivity?

If your PC loses Internet connectivity, you will not be able to receive new email. Unless your email server is an Exchange Server (see above), you will begin to receive new emails when your Internet connection has been restored. Your new emails will *then* be sent to your wireless device by the NotifyLink Desktop software.

Top

My PC has backups performed on it. Will this process interfere with the NotifyLink Desktop software?

If your machine has backups performed on it, you should consult with your Network Administrator to verify that you can allow the NotifyLink Desktop software to remain running. Note: most backup software performs it's duty in the "background" and does not require you to stop software from running.

Top

NotifyLink Professional User's Guide

Table of Contents

Section 1 ▶What is NotifyLink Professional?
Section 2 ▶Overview of System Architecture
Section 3 ▶PC System Requirements
Section 4 ▶Installation
Section 5 ▶First Time Setup
Section 6 ▶Microsoft Exchange Setup
Section 7 ▶System Tray Menu
Section 8 ▶Mailbox Properties Screen
▶Accounts
▶Folders
▶Filters
▶Block List
Section 9 ▶Device Properties
▶Format
▶Control
▶Device
▶Security
Section 10 ▶PIM
Section 11 ▶Executing Commands from your Device
▶Creating an Address Book on your Device
▶List of Commands
▶Requesting To See MORE or ALL of a Message
▶Reply to a Person Who Sent You an Email Message
▶Forward an Email Message
▶Deleting an Email Message
▶Originating an Email from Your Device
▶BLOCK or UNBLOCK a Specified Email Address
▶Turning Notification On or Off
▶Checking for New Email Messages

Figure 1 ▶*System Architecture*
Figure 2 ▶*System Tray Menu*
Figure 3 ▶*Mailbox Properties Screen*
Figure 4 ▶*Accounts Screen*
Figure 5 ▶*Folders Screen*
Figure 6 ▶*Filters Screen 1*
Figure 7 ▶*Filters Screen 2*
Figure 8 ▶*Filters Screen 3*
Figure 9 ▶*Blocked list Screen*
Figure 10 ▶*Device Properties Screen*
Figure 11 ▶*Format Screen*
Figure 12 ▶*Control Screen*
Figure 13 ▶*Device Screen*
Figure 14 ▶*Security Screen*
Figure 15 ▶*PIM Main Screen*
Figure 16 ▶*PIM Calendar Screen*
Figure 17 ▶*PIM Contacts Screen*
Figure 18 ▶*PIM Tasks Screen*

▶Using "Tags" to Format Your Email Messages
▶Finding a File on Your PC
▶PIM Commands
Section 12 ▶Command Quick Reference
▶Commands Defined

Section 1 - What is NotifyLink Professional?

NotifyLink Professional is a personal computer (PC)-based software application that acts like a remote control for your PC email, giving you the freedom to manage your messages from any location. The NotifyLink Professional uses ReFLEX® wireless network protocol, to integrate with your PC email application to handle the routing of your email messages to your wireless device.

Designed to work with both corporate and personal email systems, NotifyLink Professional enables you to compose, read, reply to, and forward email messages using your wireless device. NotifyLink Professional allows you to react quickly without the need for a laptop computer to access your email.

Messages are sent from your wireless device with your PC email address as the FROM address (just as if they were sent from your PC email application). This eliminates the confusion of separate PC and mobile email addresses. Using a single email address, you can receive email messages both in your PC mailbox and on your wireless device.

With NotifyLink Professional, you decide which messages you want to see on your wireless device. To help reduce your airtime costs, you can filter which messages are sent to your wireless device. You can even control how much of an email message is sent. If you want to see more of a particular message, you can request additional text or you can wait until you return to your PC to read the entire message.

The advantage NotifyLink Professional has over other wireless email applications is that it provides you with the option to keep a copy of the messages sent to and from your wireless device (copy is saved on your PC). Handling attachments is also a snap. NotifyLink Professional will advise you of the file name, the file size, or the number of file attachments of any attached files when you receive in an email message. You can either forward the message along with the attachment to an associate, or wait until you return to the office to open and read the attachment. With your "Always On" connection, NotifyLink Professional allows you to use your wireless device to compose and remotely send email messages with attachments.

Top

Section 2 - Overview of System Architecture

The operation of NotifyLink Professional is illustrated in Figure 1 below.

- Email arrives at email Server (1).
- The NotifyLink Professional application receives notification of email (2).
- NotifyLink Professional processes the message and sends it to the ReFLEX network via the Internet (3).
- The network sends the message to your wireless device (4).

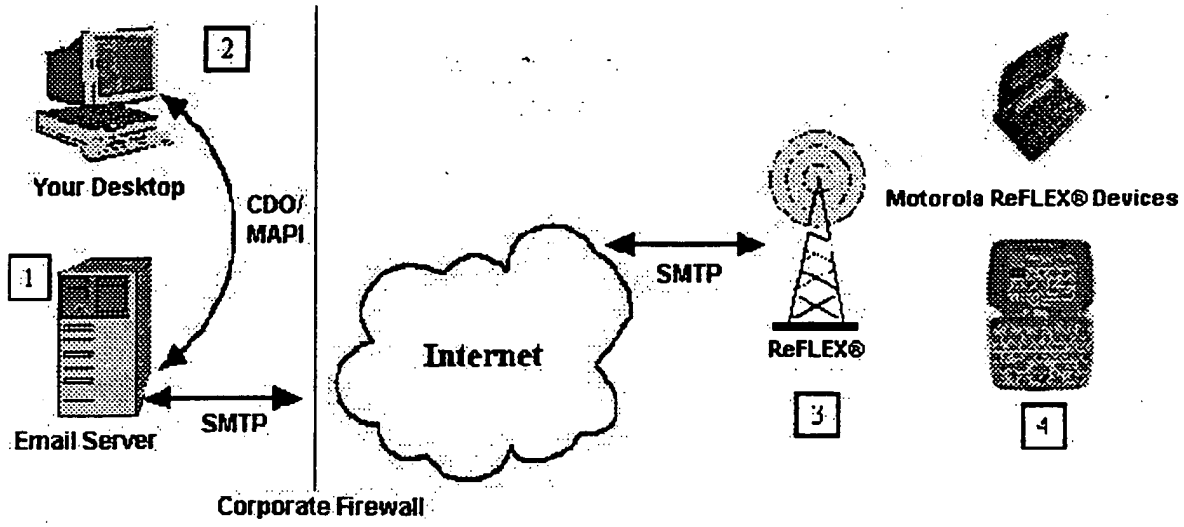


Figure 1

Top

Section 3 - PC System Requirements

PC Requirements:

- Pentium Processor compatible or better with 20 MB of free hard disk space
- 64 MB RAM (or higher) recommended

Operating System Requirements:

- Microsoft Windows 95
- Microsoft Windows 98
- Microsoft Windows NT with Service Pack 4.0 or higher
- Microsoft Millennium
- Microsoft Windows 2000

Email Clients Supported:

- Microsoft Outlook 97 (Corporate or Workgroup)
- Microsoft Outlook 98 (Corporate or Workgroup)
- Microsoft Outlook 2000 (Corporate or Workgroup)

Note: If you have just installed Outlook on your PC you will need to open and run Outlook to complete the Outlook setup process.

Other Requirements:

- MDAC 2.11 or higher. The Microsoft Data Access Components (MDAC) are the key technologies that enable Universal Data Access. They are installed with many different Microsoft products. The installation program will check and determine if these files need to be installed on your system.
- Microsoft Internet Explorer 4.0 or higher. ***Note:*** Internet Explorer does not have to be your default browser, it only has to be configured and ran at least one time.

Top

Section 4 - Installation

You must first install the NotifyLink Professional software on your PC.

Before you begin the Installation Process, please complete the following:

Save any files that you are working on and close down all other programs currently running on your PC. ***Note:*** The installation may require that you reboot your PC multiple times.

Note: If you install the software in an office environment, you may not have sufficient privileges to download software. If you do not have authorization, you will need to contact your local System Administrator. If you install the software at your business and your business has firewalls setup, you may receive the following error message: "*Cannot connect. Please check your Internet connection.*" Please consult with your business Network Administrator before calling the Support department.

Install NotifyLink Professional Software to Your Computer

Install the NotifyLink Professional software files from the web site address you were given.

You may run the Installation two ways - **Download to your Hard Disk**, or **Run this Program from its current location**.

Download to your Hard Disk

1. Select "**Click here to download** Motorola MyMail Install file". NotifyLink Professional to your hard disk, make a note as to where it is saved. A dialog box displays showing the initial stages of the software installation. (Depending upon your browser software, you must then close the dialog box, or it closes automatically).
2. From your PC, go to "My Computer". (your hard disk).
3. Select the location where you saved the NotifyLink Professional software to.
4. Select MyMail.exe. ***Note:*** Based upon your current files view setup in Windows Explorer, your file names may not include .exe, it will just state the file name.
5. Select your preferred settings throughout the setup process. Suggested settings are provided. However, you must accept the license agreement to install the software. Also, you may want to check the box to add NotifyLink Professional to your Startup Folder. ***Note:*** During this process, the software prompts you if you need to update your MDAC files. If so, download the file mdac_typ.exe and install. ***Note:*** if your executables are disabled, your file names will not include .exe, it will just state the file name.
6. After the Wise Installation Wizard has completed, Select **Finish** to exit.

Run this Program from its current location

1. Select "**Click here to download** Motorola MyMail Install file". Select **Run this program from its current location.**
2. Select your preferred settings throughout the setup process. Suggested settings are provided. However, you must accept the license agreement to install the software. Also, you may want to check the box to add NotifyLink Professional to your Startup Folder. ***Note:*** During this process, the software prompts you if you need to update your MDAC files. If so, download the file mdac_typ.exe and install. ***Note:*** if your executables are disabled, your file names will not include .exe it will just state the file name)
3. After the Wise Installation Wizard has completed, Select **Finish** to exit.

Top

Section 5 - First Time Setup

Once you have installed the NotifyLink Professional software application, you must then run the **First Time Setup**.

First Time Setup

1. Go to the **START** menu and run **PROGRAMS, Motorola MyMail, Motorola MyMail.** The setup wizard will walk you through the necessary steps.
2. In the "First Time Setup" window, enter your First Name and Last Name in the Personal Information section.
3. In the **Device Information** section, type in the device Personal Identification Number (i.e., the telephone number of your messaging device) in the **Wireless Address** box. Type it again to confirm. If your Wireless Service Provider has assigned your Wireless Device an **Alias,** you need to enter the alias in the **Wireless Address Alias** field. (*The Alias is only enabled by the carrier - not NotifyLink Professional).*

   Wireless Address example: 5551234
   Wireless Address Alias example: john.smith

4. In the **Product Registration** section, enter in your **Product Key**.
5. Select **Continue** to proceed.
6. Select your Service Domain. Your Service Domain is located at the right of the @ symbol in your wireless address.
7. Select **Continue.**
8. If your PC is setup with a Microsoft Exchange Server, continue to Section 6. If your PC is not setup with a Microsoft Exchange Server, continue to Section 7.

Top

Section 6 - Microsoft Exchange Setup

If your PC is setup with a Microsoft Exchange Server account, the next window that displays is Desktop Exchange Setup.

1. **Type in the default email address** pertaining to the account detected. For example, john.smith@company.com. If you need assistance, please contact your Network Administrator.
2. Type the same address again in the box below to confirm.
3. Select **OK** to proceed. NotifyLink Professional will take you to the Configuration program where you can customize notification options.

Section 7 - System Tray Menu

NotifyLink Professional runs in your PC system tray. Various options are available when you right-click on the NotifyLink Professional icon in the system tray, as shown in Figure 2.

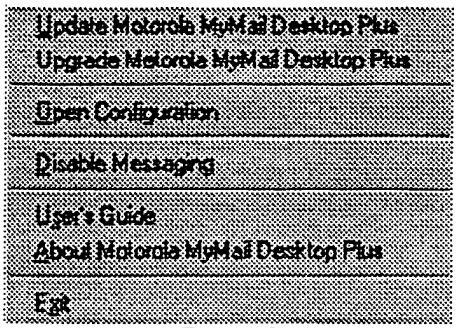


Figure 2

- **Update NotifyLink Professional:** This menu option is utilized to check for software updates to the NotifyLink Professional. If a new version is found, NotifyLink Professional automatically perform an update. ***Note:*** When the application is launched, your software automatically checks for updates every 30 days. If a newer version is found, you may be required to restart your PC.
- **Upgrade NotifyLink Professional:** This menu option is for users who have not yet upgraded their NotifyLink Professional software. To upgrade, enter the Product Key you were provided when you purchase your upgrade.
- **Open Configuration:** This menu option allows you to open the NotifyLink Professional software to modify your current settings. ***Note***: Email notification is disabled while you are in **Open Configuration**.
- **Disable Messaging/Enable Messaging:** This menu option allows you to enable or disable emails from being sent to your wireless device. To enable messaging, right click on the NotifyLink Professional icon and select **Enable Messaging**. To disable messaging, right click on the NotifyLink Professional icon and select **Disable Messaging**. ***Note:*** The Disable Messaging feature overrides the screen saver activation feature.
- **User's Guide:** This menu option enables you to view the User's Guide online. ***Note:*** Your PC must be currently connected to the User's Guide.
- **About NotifyLink Professional:** This menu option enables you to view the About notes for the NotifyLink Professional software.

Top

Section 8 - Mailbox Properties Screen

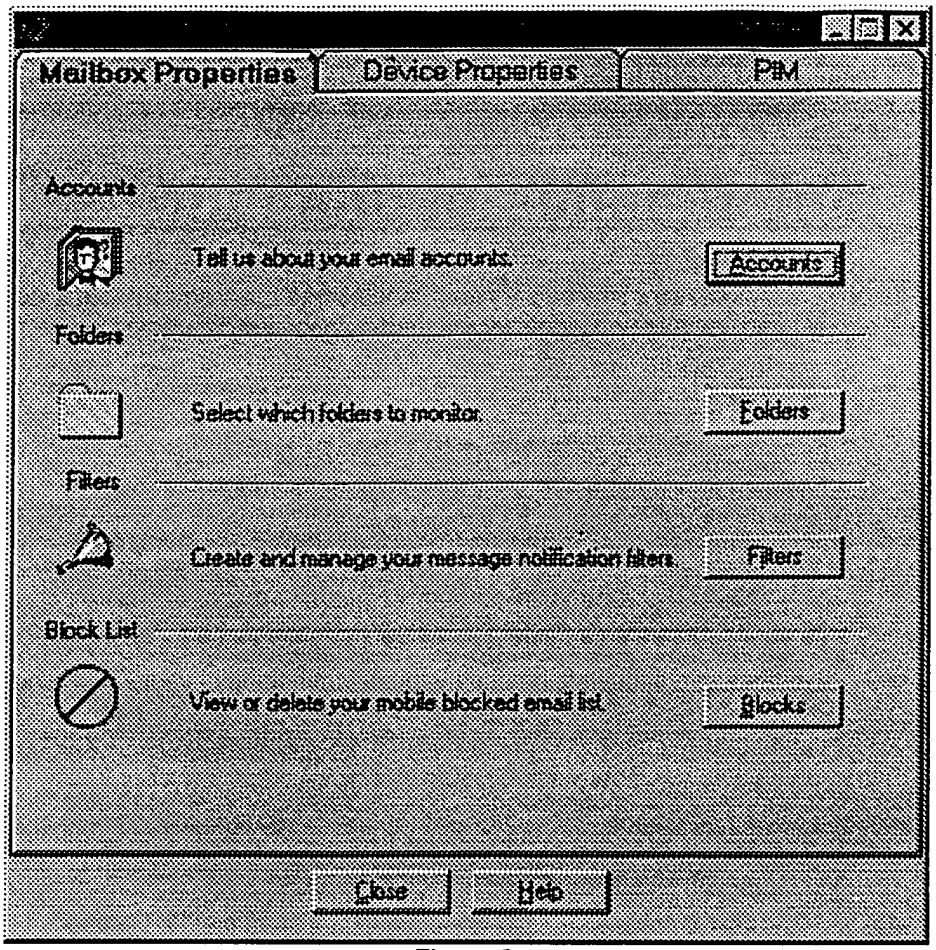


Figure 3

Accounts

To Manage Your Account Options:

1. Right click on the NotifyLink Professional icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Professional through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Accounts**. The following screen displays, as shown in Figure 4.

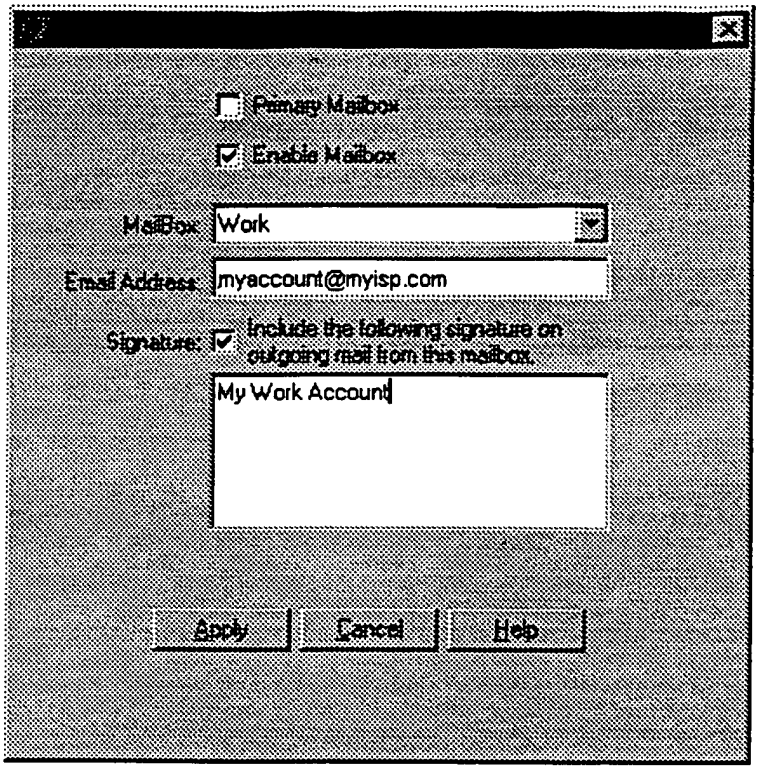


Figure 4

When opened, the configuration screen contains email information found during the installation process of the NotifyLink Professional software. If you are using an Exchange Server, you must enter your default SMTP address used on the server. If you later add additional email accounts within your default email software, NotifyLink Professional detects and adds those accounts the next time you start the program.

You may receive notification of email messages from multiple email accounts on your wireless device, but you must select which ones by enabling the checkbox for each account.

Defining Accounts

For *each* account that NotifyLink Professional detects, you may specify the following:

- **Mailbox:** A name identifying your mailbox (e.g. - Office or Home). **Mailbox** names are limited to 8 characters.
- If only one email account is being used for messages to your device, NotifyLink Professional shows your default mail account.

  Some individuals have more that one email accounts. MyMail detects various accounts and assigns a generic name for each. You can highlight each and rename. This helps you identify which account received the message.

- **Email Address:** MyMail Desktop detects any email addresses that you have defined in your email client software. These accounts may have been detected on First Time Setup if they were present at the time. If so, they correspond with the **Mailbox** name you had defined.

You have three options for each email address:

- **Primary Mailbox:** Check this box to apply settings of the currently selected email account. This option is not shown on the default account or if you have one account..
- **Enable Mailbox:** You may enable or disable individual mailboxes. If you want NotifyLink Professional to check this mailbox for messages, check **Enable Mailbox**. If you want to temporarily prevent NotifyLink Professional from notifying you of messages in this mailbox, *do*

not check **Enable Mailbox.**

- **Signature:** If you would like outgoing messages from your device to include a signature, check the **Signature** box and fill in the area below, this text appends to the outgoing mail from the selected Mailbox. Your Signature is the text that you type in the Signature box. ***Note***: if you utilize the signature feature on your device and you place an additional signature in this field, your outgoing messages will have 2 signatures.

When finished, select **Apply** to set any changes and **OK** to return to the **Mailbox Properties** screen.

Top

Folders

MyMail continually scans folders for new email. By default, it scans only the Inbox. If all of your emails go directly into your Inbox, skip this section.

Many use the "rules" feature in their email program. In doing so, certain emails are automatically moved to specific folders. You may prefer to be notified when email arrives in those folders. If you organize email into separate folders by using "rules", the Folders option in NotifyLink Professional allows you to select which folder(s) you want monitored. NotifyLink Professional searches all of the selected folders for new email and, if it meets the criteria you have defined in NotifyLink Professional's configuration, the emails are forwarded to your Wireless device. For example, this feature could be used when you have separate sub-folders for each of your co-workers and your boss. By filtering, you can specify which individual's emails are forwarded from your desktop PC to your wireless device.

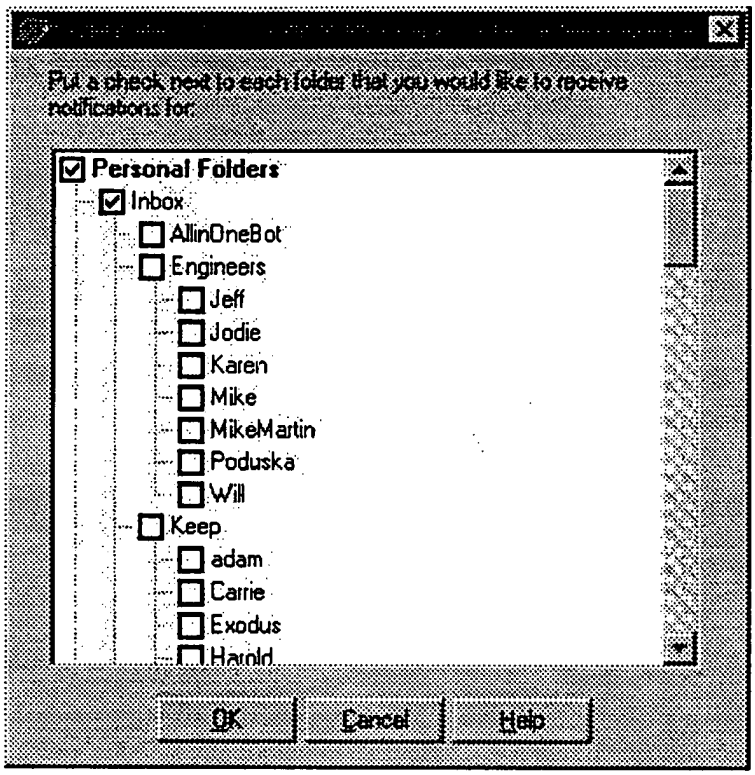


Figure 5

1. Right click on the NotifyLink Professional icon (or) in your Windows System Tray and
2. Select **Open Configuration.** If you do not see either icon in your System Tray, launch NotifyLink Professional through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Folders.** The screen shown in Figure 5 is displayed. You will see all the Folders that have been created by you on your PC.
5. Place a check in the box to the left of the folder to enable it. ***Note***: The main folder Inbox *does*

not need to be activated for the personalized subfolders under it to be selected, they are separate folders.

6. When finished, select **OK** to save your changes and close the Folders window.

Note: Your root folders (denoted in bold letters) are automatically checked and cannot be unchecked. This allows NotifyLink Professional to monitor any additional folders that you may add in the future.

Top

Filters

It is recommended that you learn more about the types of email you do not want forwarded to your device before setting up Message Filters.

The Message Filters screen allows you to control which messages are sent to your messaging device. For each mailbox account, you may specify criteria to define which emails you don't want to receive, or set criteria for those emails you want to receive.

Because Filters are specific for each Mailbox, before creating a **New** Filter, you must select the Mailbox you want the Filter setup for. When editing the filter make sure to specify the correct Mailbox from the drop down menu before proceeding.

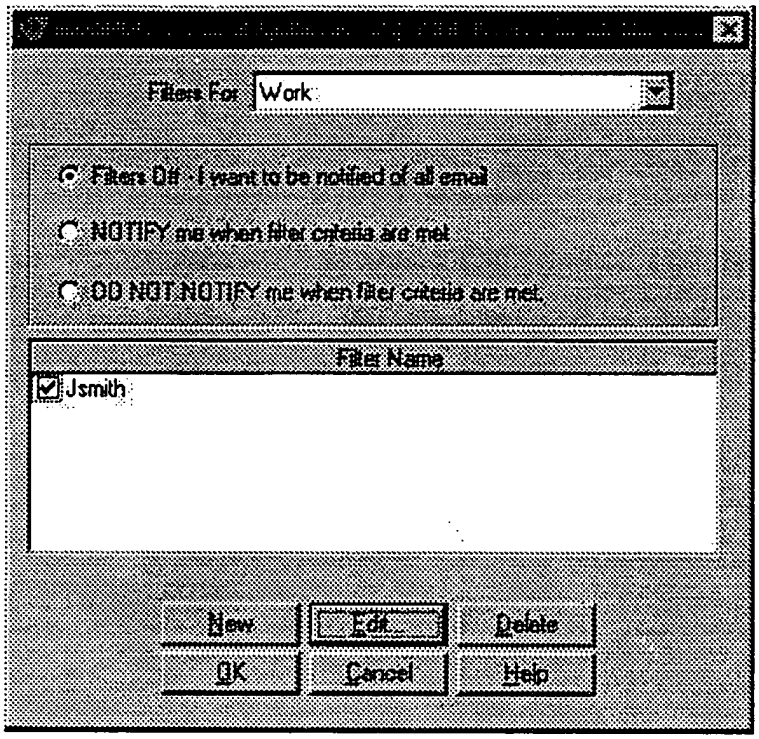


Figure 6

You may select from several different filter options.

Setting Up Message Filters

To Setup the Message Filter Criteria:

1. Right click on the NotifyLink Professional icon (or) in your Windows System Tray
2. Select **Open Configuration.** If you do not see either icon in your System Tray, double click on the NotifyLink Professional icon on your PC or launch NotifyLink Professional through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**

4. Select **Filters**.
5. Select the desired mailbox from the **Filters For** drop down menu, shown in Figure 6.
6. Select **New.** This will create a new **Default Filter** in the **Filter Name** window, as shown in Figure 6.
7. Select the new filter then select Edit to open a new window
8. In the Filter Name field enter a new filter name. This helps you to identify this filter in the future.
9. Define your filter criteria.

Define Filter Criteria

Select the criteria that you want to use to filter your mail:

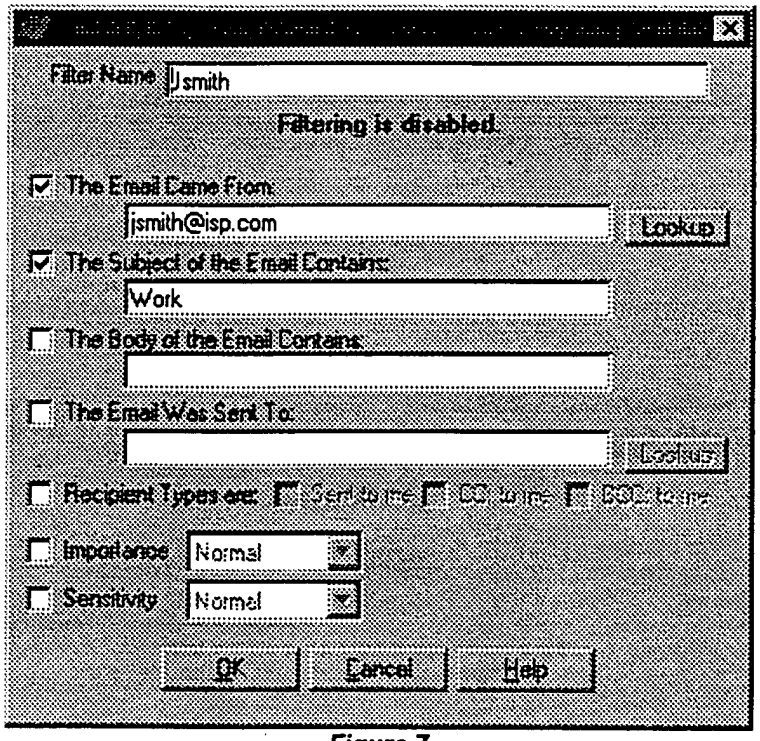


Figure 7

- **The Email Came From:** You may enter one email address, or multiple email addresses separated by a space, comma or semicolon. By using the Lookup button, you may access addresses contained in your email software address book. Filter matching is exact. In other words, you must enter the "Reply to" email address exactly as it is shown on emails which you receive.
- **The Subject of the Email Contains**: You may enter any word(s) separated by a space, comma or semicolon. Filter matching is exact. If you enter more than one word, then **all** of the words (in any order or placement) must be matched for the filter criteria to be met.
- **The Body of the Email Contains:** You may enter any word(s) separated by a space, comma or semicolon. Filter matching is exact. If you enter more than one word, then **all** of the words (in any order or placement) must be matched for the filter criteria to be met.
- **The Email Was Sent To:** You may enter one email address, or multiple email addresses separated by a space, comma or semicolon. By using the Lookup button, you may access addresses contained in your email software address book. Filter matching is exact, you must enter the "Reply to" email address exactly as it is shown on emails which you receive.
- **Recipient Types are:**
  - **Sent to me:** This feature matches email that is in the TO: field of the email address.
  - **CC: to me:** This feature matches email that is in the CC: field of the email address.
  - **BCC: to me:** This feature matches email that is in the BCC: field of the email address.

- **Importance:** This feature is not supported in all email software packages and works only if your software *and the sender's software* supports it. You may select **Normal, High** or **Low** as the

minimum importance of the messages for your filter. ***Note:*** Messages AT or GREATER than the importance option that you select meets the filter criteria, (e.g. messages marked Confidential do not meet the criteria if Private is selected.)

- **Sensitivity:** This feature is not supported in all email software packages and works only if your software *and the sender's software* supports it. You may select **Normal**, **Personal**, **Private** or **Confidential**. ***Note:*** Only messages marked with the specific option that you select meets the filter criteria, (e.g. messages marked Confidential do not meet the criteria if Private is selected.)

Tips For Multiple Fields Within One Filter

You may select one or more types of filter criteria. When using multiple criteria, **ALL** fields that you selected must match the email. For example, The email Came From "jsmith@isp.com" **AND** The Subject of the email Contains "*Work*".

After you are finished selecting your filter criteria, click **OK** to return to **Filters**.

Repeat steps 1 - 10 for each filter that you want to set up. In Figure 8, shows that 3 filters were setup.

1. After you have finished setting up your filters, you may choose from one of three options for using them.
2. **Filters Off** - I want to be notified of all email
3. **NOTIFY** me when filter criteria are met
4. **DO NOT NOTIFY** me when filter criteria are met

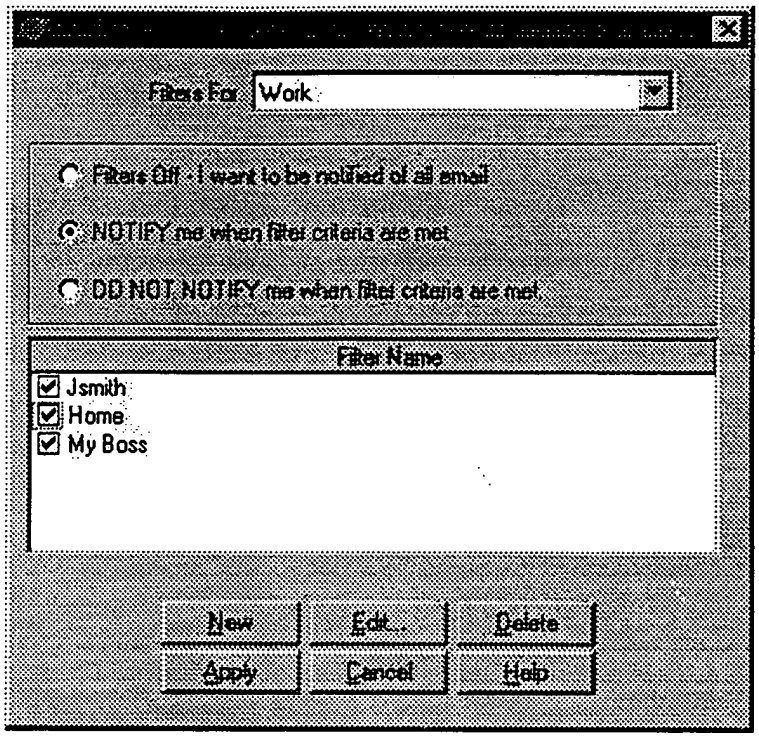


Figure 8

Select the Filter Option

Select the option that you want for your filters and check the box next to the filter name you would like this option to apply to. ***Note***: You may deselect the checkbox next to any filter name to disable the filter. When finished select **Apply** to save the changes, and **OK** to close the Filters window.

Tips For Multiple Filters

You may create multiple filters, as shown in Figure 8. If you have Multiple filters defined, NotifyLink Professional follows your selected option (Notify me or Do Not Notify Me) when at least one of your

filters is matched.

For Example: When the email matches ONE or ALL of your defined filters, as shown in Figure 8, Jsmith OR it matches Home, OR it matches My Boss, then the appropriate action is taken.

Editing Message Filters

To modify your existing email filters

1. Right click on the NotifyLink Professional icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Professional through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Filters.**
5. Select the desired mailbox from the **Filters For** drop down menu.
   In the **Filter Name** window, select the name of the filter you want to edit.
6. Select **Edit.**
   Make your changes in the **Filter** information box(s).
7. Select **OK** to set and return to **Filters.**
8. Verify the box next to the filter name is checked to enable the filter.
9. Select **Apply** if you have made changes, or **OK** to close the Filters window.

Deleting a Message Filter

To delete a message notification filter

1. Right click on the NotifyLink Professional icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Professional through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Filters.**
5. Select the correct mailbox from the **Filters For** drop down menu.
   In the **Filter Name** window, select the name of the filter you want to delete.
6. Select **Delete.**
7. Select **Yes** to confirm you want to delete the filter and to return to the Filters window, or **NO** to cancel and return to the Filters window

Note: To save a filter for future use, deselect the checkbox next to the filter name to disable it, rather than deleting it.

Top

Block

Blocks in the NotifyLink Professional program are really an interactive filter builder. Blocks will prevent NotifyLink Professional from forwarding emails from specific email address to your device. As you receive emails on your device, you can respond to the message with a custom reply of "**Block**". From then on, when an email from that address arrives in your PC inbox, it not forwarded to your device. It remains in your inbox on your desktop. You may however, revisit this section at a later time and "unblock" any addresses, thereby allowing messages from that specific sender to once again be forwarded to your device.

The **UNBLOCK** command can be used to unblock an address you want to receive messages from.

Note: The list of Blocked email addresses, found in your configuration application, can be added to from your wireless device in response to unwanted email. NotifyLink Professional does not allow blocks to be added to the list from your PC. However, you can delete a blocked email address from the list from your PC, or from your wireless device by issuing the **UNBLOCK** command.

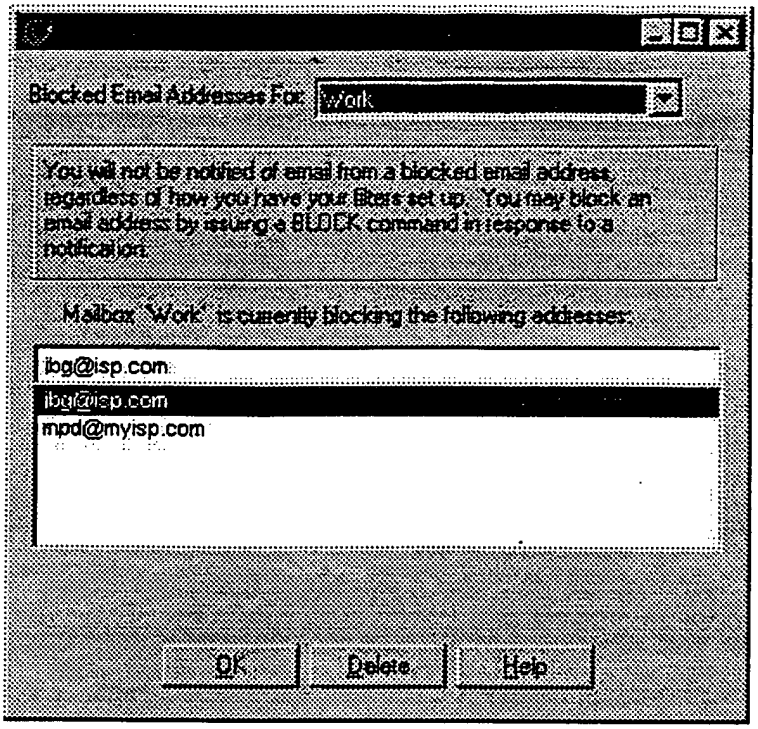


Figure 9

To View or Delete an Address From Your List of Blocked Email Addresses

1. Right click on the NotifyLink Professional icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Professional through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Mailbox Properties.**
4. Select **Blocks.**
5. Select the correct mailbox from the **Blocked Email Addresses For** drop down menu.
6. To **Delete** a **Block**, select the name of the address you want to delete, then select Delete.
7. Select **Yes** to confirm you want to delete the Block.
8. Select **OK** to close the window.

Top

Section 9 - Device Properties Screen

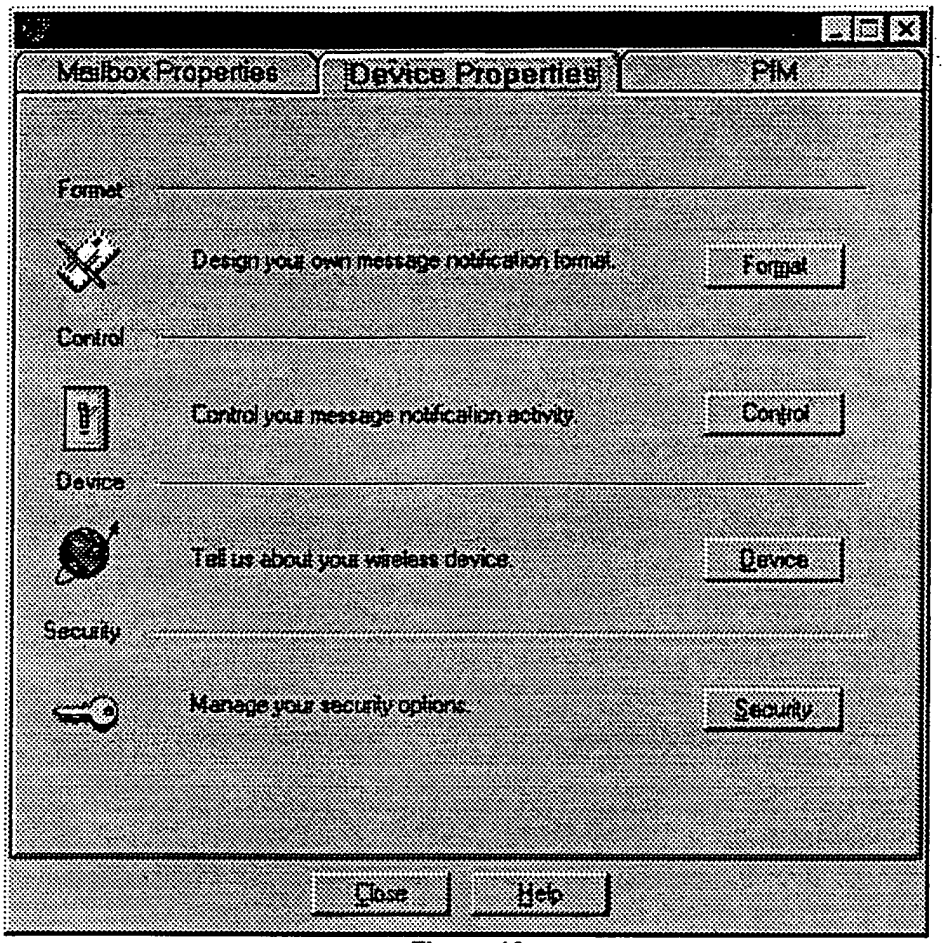


Figure 10

Top

Format

The Message Format screen allows you to specify and change what information and how much information you want on your wireless device. You can choose all or only select parts of your email. These are set for each Mailbox account.

This is where you may specify what elements are taken from the original email and forwarded to your device. The more header information you receive, the less text of an email you will be able to view. You need to complete these fields for each mailbox that forwards email to your device. You may find that you revisit this location frequently. This is where your Mailbox is important.

Include in Message Field

These 6 features determine what information is included with emails sent to your device. Keep in mind that every option you select counts as a portion of the number of characters sent to your device. Mailbox name is only relevant if you are using more than one email address with NotifyLink Professional and your device.

- **Mailbox Name:** Check this box ONLY if you have more than one email account set to forward messages to your device. It helps to differentiate between inboxes when you are checking email on your wireless device. Remember, these fields add characters to your message length.
- **Sender's Name/Address**: It is recommended that you check this box if you want to see the name and email address of the original sender of the email.
- **Subject:** Check this box if you want to view the subject of an email being received on your device.
- **Date:** Check this box if you want to view the date of an email being received on your device.

- **Time:** Check this box if you want to view the time of an email being received on your device.
- **Remaining Characters:** Check this box if you would like to view the number of remaining characters in an email being received on your device.
- **Attachments** - Although you are not able to read the Attachment on your wireless device, the following options are available for your message notifications:

Attachments

- **Send No Attachment Info:** Prevents any attachment information from being sent to your wireless device
- **Number of Attachments:** Provides the number of files attached to the email that was sent to your wireless device
- **Attachment Names:** Provides the names of the files attached to the email that was sent to your wireless device
- **Attachment Size:** Provides the size in Kilobytes of the files(s) attached to the email that was sent to your wireless device. This information can be enabled for both Number of Attachments and Attachment Names options. If you select either of these two, you may place a check in the box for the Attachment Size. ***Note:*** this option can only be selected when you have placed a check in the box next to either the Number of Attachments or the Attachments Names options.

Message Body

From the Message Body section in Format, you may select the following:

- **Send No Body:** Prevents the email body from being sent to your wireless device
- **Send Partial Body:** Forwards a portion of the email body to your wireless device. Use the arrows in the Notification Size box to select the number of desired characters. The maximum number you can select is dependent upon the billing package for your wireless device service.
- **Send Full Body:** Forwards the full email body, up to the maximum number of characters allowed by your wireless carrier. ***Note***: Check with your wireless provider for billing plans, restrictions, and additional information.
- **Notification Size:** The total number of email characters forwarded to your wireless device for each email. You may select the number of characters that you want to receive for each email notification using the up and down arrows. ***Note:*** If you include more information in your email notification header, fewer characters are available for the body of the email to be viewed on your device. For example, if you select 100 characters for the Notification Size, you will not be able to see much of you email message body.
- **MORE Command:** This is a command allows you to issue a reply from your device to receive more characters of an email. When sending a MORE command from your wireless device there are two ways the message can be sent. Select one of the following two options. The first option sends the message in increments according to the number of characters specified in the Notification Size setting. The second option sends the maximum number of characters, which are 500 for most wireless devices.

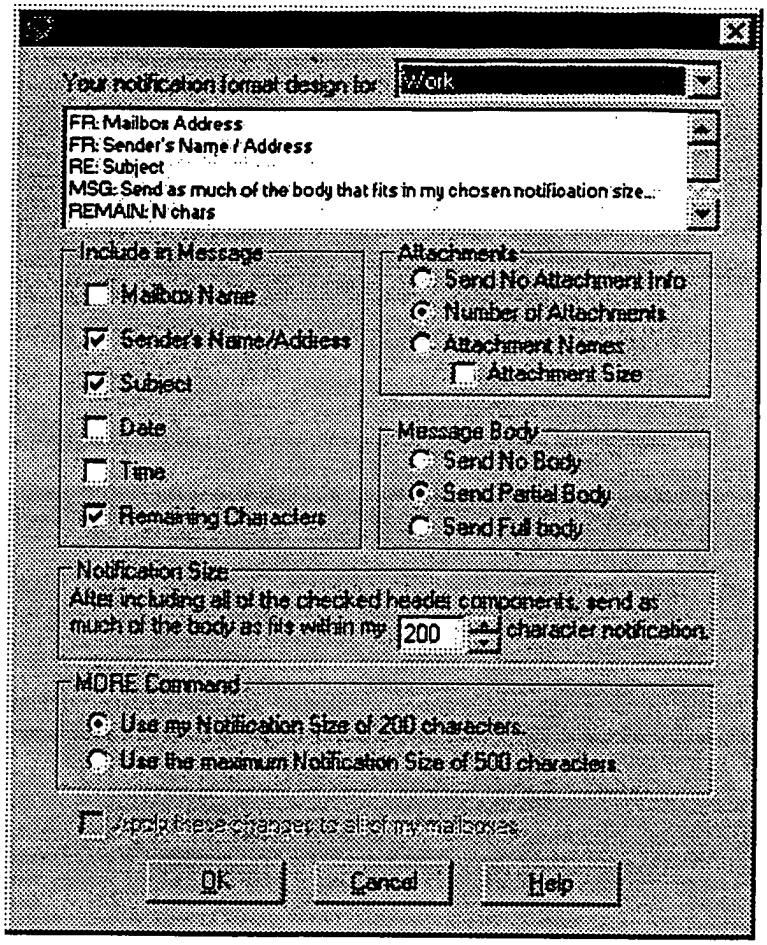


Figure 11

Customize Your Message Format

1. Right click on the NotifyLink Professional icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Device Properties.**
4. Select **Format.**
5. Select the **Mailbox** name for the account you wish to design the Notification Format for from the drop down menu, as shown in Figure 11.
6. Place a check in the box(es) next to the information you want to include in your email notification. In the preview window, NotifyLink Professional enables you see changes to the email Format.
7. Select **Send No Attachments**, **Attachment Names**, or **Number of Attachments.** Select the additional information of the attachment size by placing a check a check in the box adjacent to this option.
8. Select **Send No Body, Send Partial Body**, or **Send Full Body**. ***Note***: Check with your wireless provider for billing plans, restrictions, and additional information.
9. Select the **Notification Size**, (from 100 to 500) you want to receive for each email notification. ***Note:*** This is the "total size" of your email notification, including all header information along with the body of your message. Your wireless carrier governs the maximum number of characters that can be sent per notification.
10. Select the amount of characters that you want to receive when you use the MORE command. You may choose to receive the same number of characters as your Notification Size in 9 above, or you may choose to receive the maximum amount of characters allowed by your carrier.
11. When finished, select **Apply** to save changes and **OK** to return to the **Device Properties** screen.

Top

Control

The **Control** options screen allows you to set options that effect all accounts.

- **Mark As Read:** When this box is checked, as new email arrives in your Inbox and is forwarded to your device, it is automatically become a read item in your Inbox on your PC.
- **Track Mobile Activity:** When Track Mobile Activity is activated, all activity of the NotifyLink Professional is tracked in your PC inbox and Sent items. When email is forwarded to your device, NotifyLink Professional places the additional email into your Sent Items folder on your PC. When you originate or forward an email from your device, that email appears in your Inbox on your PC. Deselection of Track Mobile Activity causes all notification emails sent to and created by NotifyLink Professional to be automatically cleared from the Inbox and Sent Items folders.
- **Screen Saver Activation:** Selection of this box causes NotifyLink Professional to automatically forward new emails to your device when you have disabled messaging and the screen saver on your PC activates. This can be useful when you spend time at your desktop PC and don't want to receive messages until your activation option has no effect. ***Note:*** Remotely disabling messaging overrides the Screen Saver Activation.
- **Send Error Messages:** When checked, this feature sends your wireless device an error message in the event that you have typed in a command incorrectly or performed a user error.

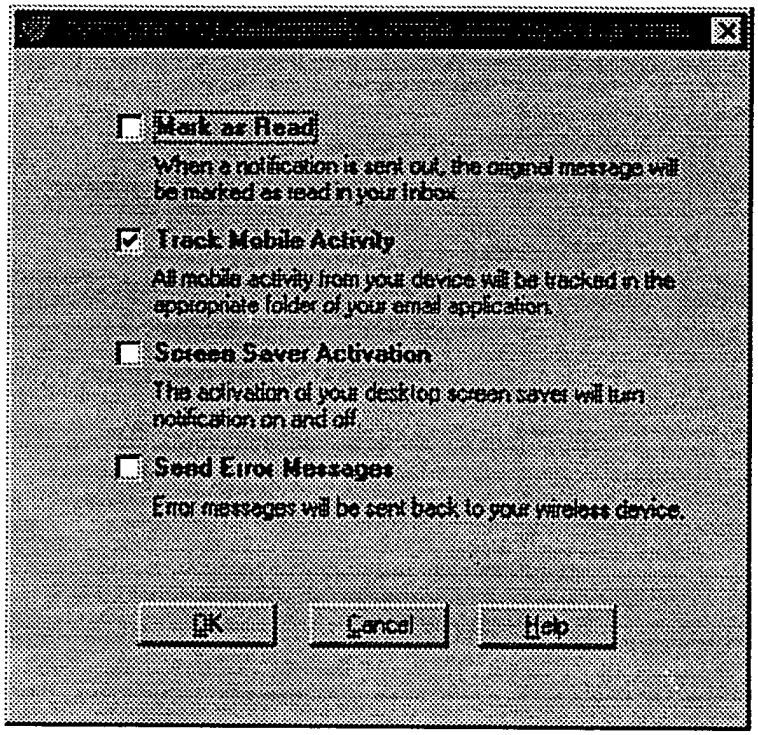


Figure 12

To Control Your Message Notification Activity

1. Right click on the NotifyLink Professional icon (or) in your Windows System Tray.
2. Select **Open Configuration.** If you do not see either icon in your System Tray, launch NotifyLink Professional through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Device Properties.**
4. Select **Control.**
5. Select **Mark as Read** by placing a check in the box to the left or disable by leaving the box to the left empty
6. Select **Track Mobile Activity** by leaving the box to the left checked or disable by placing a check in the box to the left or disable by leaving the box to the left empty.
7. Select **Screen Saver Activation** by placing a check in the box to the left or disable by leaving the

box to the left empty.

8. Select **Send Error Messages** by placing a check in the box to the left or disable by leaving the box to the left empty.
9. When finished, select **OK** to save your selections and return to the **Device Properties** screen.

Top

Device

This is a great place to simply verify that all of the information is correct: Service Provider, Notification Device, Wireless Address, any aliases. This screen displays the settings that were created when you went through First Time Setup.

To View Your Wireless Provider Information

1. Right click on the NotifyLink Professional icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, launch NotifyLink Professional through Start/Programs/Motorola MyMail/Motorola MyMail.
3. Select **Device Properties.**
4. Select **Device.**

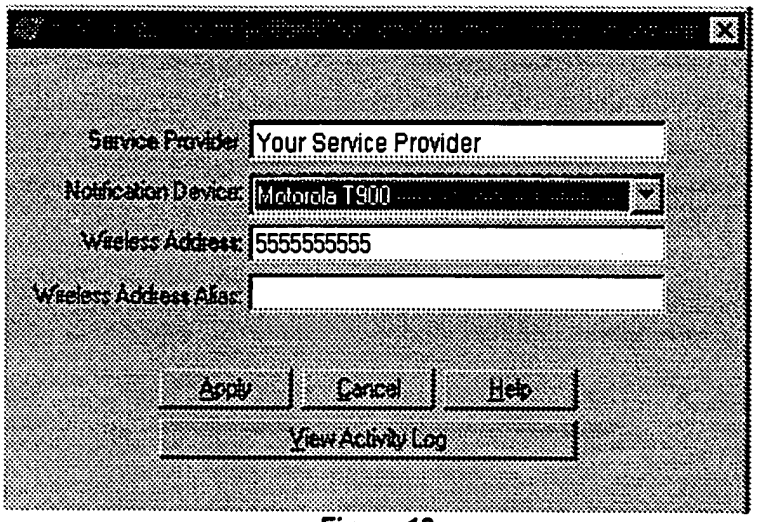


Figure 13

- **Service Provider:** This is the name of the wireless service provider from which you bought your wireless device, and that provides your messaging service. This option cannot be modified.
- **Notification Device:** This is the name of the device that receives your NotifyLink Professional message notifications.
- **Wireless Address:** This is your Personal Identification Number (i.e. the telephone number of your messaging device.
- **Wireless Address Alias:** If your Wireless Device has been assigned an alias, enter the alias here. This information is required so the PC can identify your Wireless Device when you send messages. Your carrier, not NotifyLink Professional, enables your Alias.
- **View Activity Log:** You may view your Activity Log by selecting **View Activity Log**. This information provides the number of characters associated with your transactions.

    - **Clear Log:** This removes all data in the log.
    - **Print:** This prints the log on your default printer
    - **Export to File:** This will allow you to save the log to a file in the same directory that NotifyLink Professional is installed
    - Select **Close** to return to the Device Information Screen

- Select **Apply** to save any changes and **OK** to return to the Device Properties screen

Top

Security

This feature is not available.

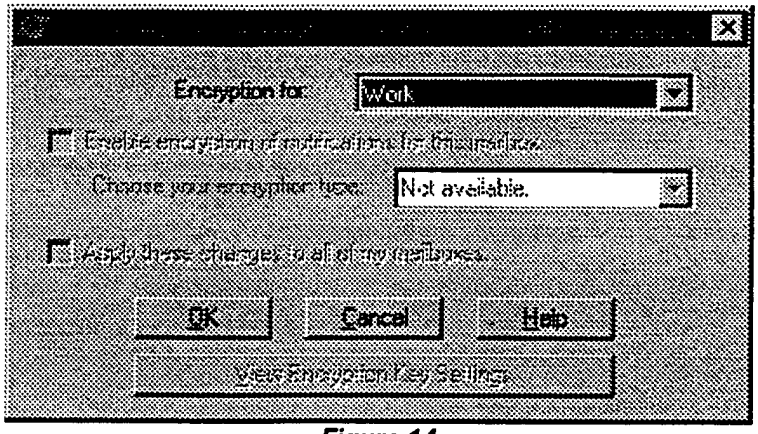


Figure 14

Top

Section 10 - PIM (Personal Information Management)

Personal Information Management is a tool that works with your Microsoft Outlook (PIM).

PIM queries allow you to send commands to your PC, in order to interact with Microsoft Outlook's PIM information. Specifically, you may send messages to search your "Calendar", "Contacts", or "Tasks" folders, and have this information returned to your wireless device. The information will be returned as a tag formatted notification. You may set your PIM controls using the screen found in Figure 16.

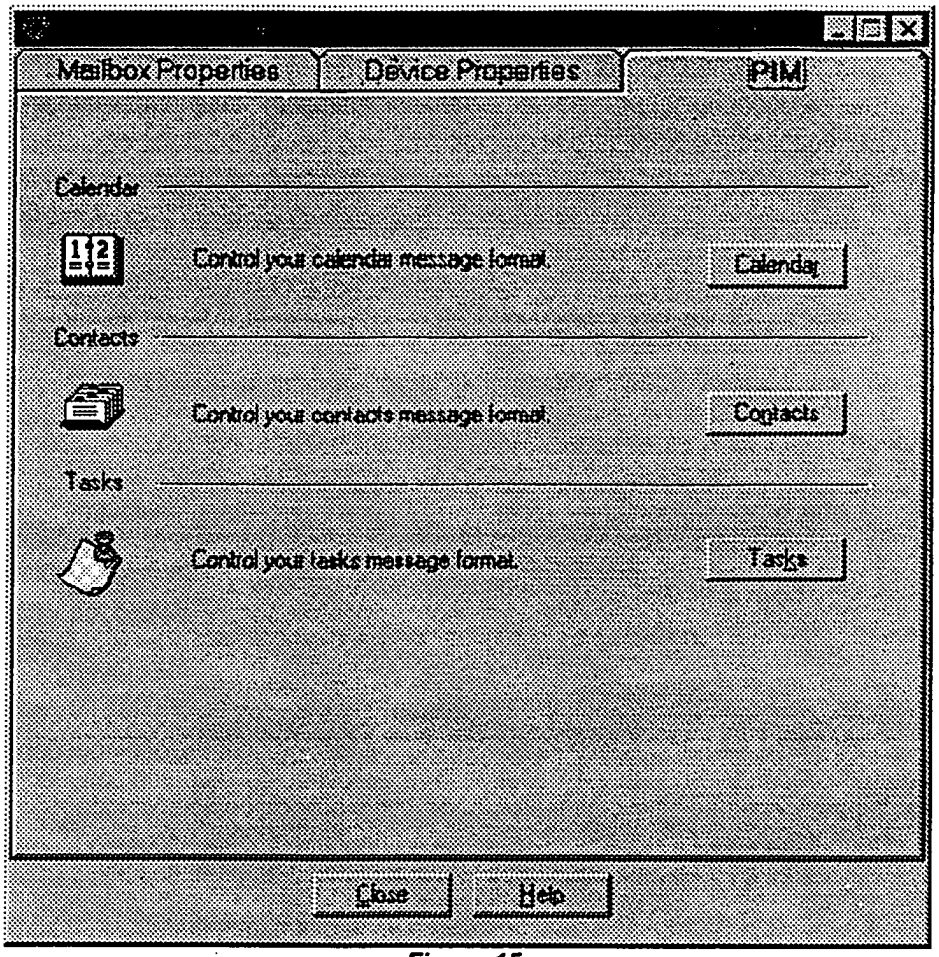


Figure 15

Calendar

The Calendar query allows you to search Microsoft Outlook's "Calendar" folder remotely. A calendar event can be searched for by the date of the event. Each event for that day that has not yet occurred will then be returned to the wireless device.

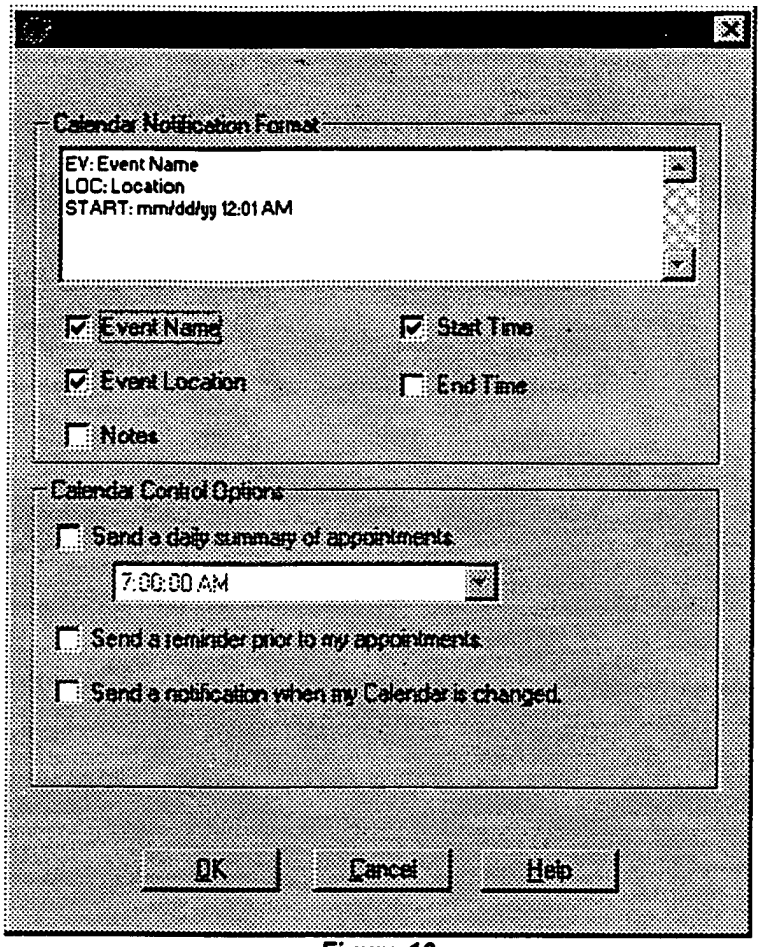


Figure 16

To Define or Make Changes to Your Calendar Settings:

1. Right click on the icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, double click on the icon on your PC or launch through Start/Programs/Motorola MyMail.
3. Select the **PIM** tab.
4. Select the **Calendar** and the screen shown in Figure 17 will appear.
5. Place a check in the boxes next to the information you want to include in the Calendar notification you receive on your wireless wireless device. ***Note:*** You may view the changes to the calendar Notification Format in the preview window.
    1. **Send a daily summary of appointments**: if you select this options, you must enter the time of day you would like all Calendar notifications sent to your wireless device for each day. Each event will be sent as a separate notification. ***Note***: The daily summary of appointments returns appointments that have not passed. It is recommended that you choose a time that best fits your schedule.
    2. **Send a reminder prior to my appointments**: If you select this option, a reminder will be sent to your wireless device informing you that you have an appointment. ***Note:*** you must have the default reminder option selected in Outlook for this event also. The reminder will be sent to your wireless device ***5 minutes*** before the reminder option in Outlook.

        For example: if you have your default reminder option set to 15 minutes in Outlook, the notification will be sent to your wireless device 20 minutes before the appointment start time.

    3. **Send a notification when my Calendar is changed**: in the event that your Calendar is changed, a notification will be sent to your wireless device informing you of the change.

6. **Send a daily summary of appointments**: if you select this options, you must enter the time of

day you would like all Calendar notifications sent to your wireless device for each day. Each event will be sent as a separate notification. ***Note***: The daily summary of appointments returns appointments that have not passed. It is recommended that you choose a time that best fits your schedule.

7. **Send a reminder prior to my appointments**: If you select this option, a reminder will be sent to your wireless device informing you that you have an appointment. This reminder will be sent ***5 minutes*** before the appointment start time.
8. **Send a notification when my Calendar is changed**: in the event that your Calendar is changed, a notification will be sent to your wireless device informing you of the change.
9. Select **Apply** to save any changes and **OK** to return to the **PIM** tab.

Contacts

The Contact query allows you to search Microsoft Outlook's "Contacts" folder. A contact may be searched for by either name (first or last), email address, or phone number.

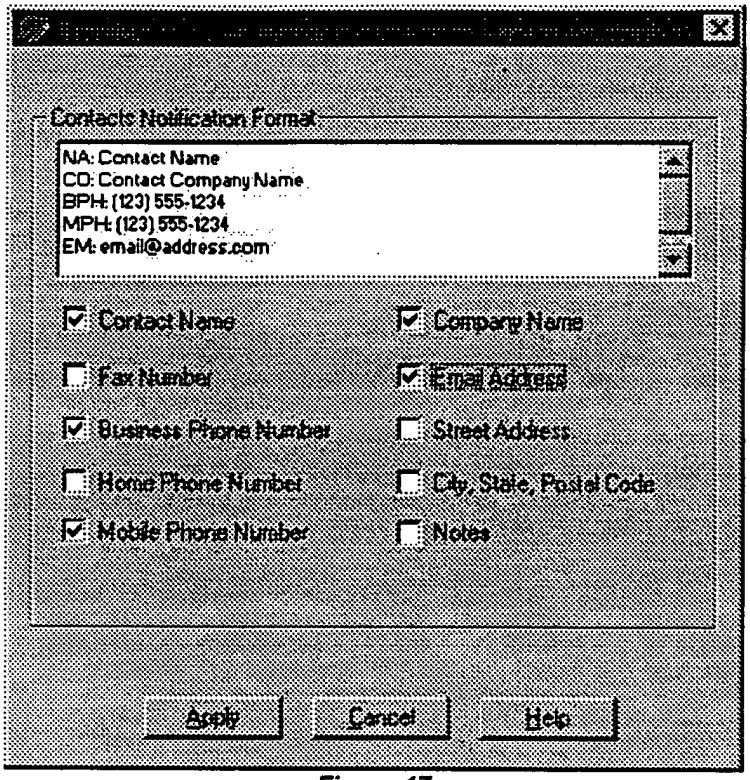


Figure 17

To Define or Make Changes to Your Contacts Settings:

1. Right click on the icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, double click on the icon on your PC or launch through Start/Programs/Motorola MyMail.
3. Select the **PIM**.
4. Select the **Contacts** button and the screen as seen in Figure 18 will appear.
5. Place a check in the boxes next to the Contact information you would like forwarded to your wireless device. ***Note:*** You may view the changes to Contact Notification Format in the preview window.
6. Select **Apply** to save any changes and the **OK** button to return to the **PIM** tab.

Tasks

The Tasks query allows you to search your Microsoft Outlook's "Tasks" folder. You may search for a task by its start date or its due date. Depending on the search method, each task that starts on that specific day or ends on that specific day will be forwarded to your wireless device.

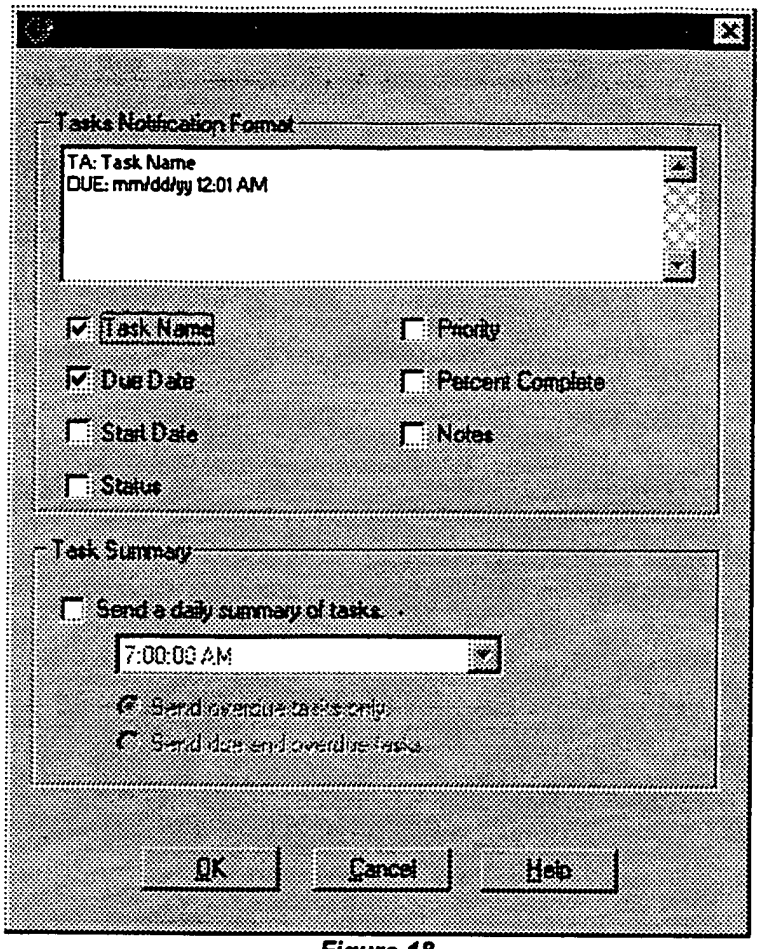


Figure 18

To Define or Make Changes to Your Tasks Settings:

1. Right click on the icon (or) in your Windows System Tray.
2. Select **Open Configuration**. If you do not see either icon in your System Tray, double click on the icon on your PC or launch through Start/Programs/Motorola MyMail.
3. Select the **PIM** tab.
4. Select the **Tasks** button and the screen in Figure 19 will appear.
5. Place a check in the boxes next to the Tasks information you would like forwarded to your wireless device. ***Note:*** You may view the changes to Tasks Notification Format in the preview window.
    1. **Send a daily summary of tasks**: if you select this option, all tasks for the current day will be sent to your wireless device in separate notifications. You must select the time of day in which to send the notifications out. (This time will also define the time that tasks are considered overdue/due.) You must also select whether to **Send overdue tasks only** or **Send due and overdue tasks.**
6. Select **Apply** to save changes and **OK** button to return to the **PIM** tab.

Top

Section 11 - Executing Commands From Your Device

You can reply to any notification received on your wireless device. Replies to notifications are sent back to the sender of the email and will look as if they were sent from your email account, rather than your wireless device.

There are many commands that can be used with NotifyLink Professional. Commands allow more flexibility in managing your email account from your wireless device. For example, you can send email from your device using NotifyLink Professional. This is useful if you want your messages to display as if they are being sent from your email address rather than your wireless device.

When you send a command from your wireless device, you must send the email to your PC email address. In essence, you are sending a message to the NotifyLink Professional software on your PC and telling it what to do. To simplify sending commands, add your PC email address to the address book on your wireless device.

Creating an Address Book Record on Your Wireless Device

1. From the Main Menu press ^ or v to highlight address Book then press ENTER.
2. Press ^ or v to highlight New Entry then press ENTER.
3. Type a name (for example PC) in the Name field and press ENTER. ***Note:*** The PC example is referred to throughout the User's Guide.
4. Using ^ or v to highlight E-Mail Address then press ENTER.
5. Type in the email address of your PC (Example: myname@mycompany.com) then press ENTER
6. Press ^ or v to highlight Save Entry then press ENTER. ENTRY SAVED is displayed when complete.

Below is a list of the Commands that are available. ***Note:*** **Commands are not case sensitive.** To view instructions on how to issue them with your wireless device, click on any command.

List of Commands

Canned Replies

The following commands are issued in response to email notifications sent to your device by the NotifyLink Professional software. They are added to your wireless device Canned Reply list.

Note: these Commands are **NOT** case sensitive.

- MORE
- DELETE

Custom Replies

The following commands can be initiated from the device as new email. Send these commands to your PC email address running NotifyLink Professional.

Note: these Commands are **NOT** case sensitive.

- ALL
- FORWARD
- EMAIL
- BLOCK
- UNBLOCK
- NOTIFY ON

- NOTIFY OFF
- CATCHUP

Requesting to See MORE or ALL of a Message

Depending on how you set up your notification format, your initial notification may be limited. If you select fewer than 200 characters per notification, you may not see much of the actual body of the email message. If you want to see **MORE** of the message, use a pre-programmed reply to request NotifyLink Professional to send you more information. If you want to see ALL of the message, use a custom reply of 'ALL'.

The **MORE** command directs NotifyLink Professional to send you as many additional characters of the message body as will fit into one notification based upon the size you have specified during your account configuration (100 characters, 200, etc.). Remember that your header information counts as characters along with the body of your email.

Sending the Pre-Programmed Request for MORE Information

1. While previewing or reading the message, press SYMBOL MENU/SPACE to access the Message Options menu.
2. Press ^ or v to highlight Reply to Message then press ENTER. Your wireless device displays the list of pre-programmed reply messages from which you can choose.
3. Press ^ or v to highlight MORE then press ENTER. Your wireless device displays MESSAGE TRANSMITTING and an arrow (ã) flashes to the left of the message to indicate your request for more information is in progress.
4. If your request is transmitted successfully, a check (ü) is displayed to the left of the message on the Message Preview screen. If your request was unsuccessful, a **r** displays to the left of the message. If your request was unsuccessful, try again.

The **ALL** command directs NotifyLink Professional to send you the remainder of an email to your wireless device. The remainder is sent in multiple notifications, up to a total of 2K bytes. The size of the notifications NotifyLink Professional is determined by your Service Provider's maximum notification size. If the email was larger than 2K bytes, you can issue another **ALL** command.

Note: the **ALL** messages may arrive at your wireless device out of order. NotifyLink Professional has no control over. It is the order that you wireless service provider is sending the emails to your wireless device. NotifyLink Professional places an ID number followed by a Sequence number at the top of notifications sent to your device.

Example: ID:A00415-1

- The ID number is A00415
- The Sequence number is 1

The Sequence number **increases** to denote the order in which to read them. The following example shows four ID and Sequence numbers as they would appear in four separate notifications.

Example: ID:A00415-1; ID:A00415-3; ID:A00415-4;ID:A00415-2

Sending the ALL Command as a Custom Reply

1. While previewing or reading the message, press SYMBOL MENU/SPACE to access the Message Options menu.
2. Press ^ or v to highlight Custom Reply to Message then press ENTER.

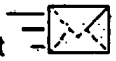
3. Type All then press ENTER. Your wireless device will display MESSAGE TRANSMITTING and an arrow (ã) flashes to the left of the message to indicate your request for all of an email is in progress.
4. If your request is transmitted successfully, a check (ü) is displayed to the left of the message on the Message Preview screen. If your request was unsuccessful, a r is diaplayed to the left of the message. If your request was unsuccessful, try again.

Reply to a Person Who Sent You an Email Message

When you receive a NotifyLink Professional email notification, you may reply to the sender of the email message using your wireless device. Your wireless device transmits your message to (your PC email address that is set-up to work with) the NotifyLink Professional software. NotifyLink Professional creates a new email message containing your reply and send it back to the sender.

The sender receives your reply, and since NotifyLink Professional uses your own PC email address as the return address, It appears that you replied from your computer.

Sending a Reply

1. While previewing or reading the message, press SYMBOL MENU/SPACE to access the Message Options menu.
2. Press ^ or v to highlight Custom Reply to Message then press ENTER.
3. Press ^ or v to highlight Custom Reply then press ENTER.
4. Type your message and press ENTER.
5. To send the reply, press ^ or v to highlight  Send Message.

Forward an Email Message to Another Person

When you receive a NotifyLink Professional email notification, you can forward the email, including any attached files, to another person. ***Note:*** Do not confuse the T900 Message Option of Forward Message with the Motorola MyMail Custom Reply **Forward** command.

To Forward an Email Message

1. While previewing or reading the message, press SYMBOL MENU/SPACE to access the Message Options menu.
2. Press ^ or v to highlight Reply to Message then press ENTER.
3. Press ^ or v to highlight Custom Reply then press ENTER.
4. You will now be able to type the command to forward the email message. Start your reply with the command, **FORWARD**, a space and the message tag, **TO:** followed by the email address of the person you want to forward the message, then a space and the message tag, **BD:** and any additional comments you want to attach (additional comments are optional).

   Example

   FORWARD TO: johnsmith@xyz.com BD: Hey John, I thought you'd like to see this

message from the boss. Let's talk later, OK? Bill

5. When you have completed your message, press ENTER.
6. To send the reply, press ^ or v to highlight Send Message

Deleting an Email Message

When you receive a NotifyLink Professional email notification, you can delete the original email from your PC Inbox. The deleted email messages is moved to your "Deleted Items" folder.

1. While previewing or reading the message, press SYMBOL MENU/SPACE to access the Message Options menu.
2. Press ^ or v to highlight Reply to Message then press ENTER. Your communicator will display the list of pre-programmed reply messages from which you can choose.
3. Press ^ or v to highlight DELETE then press ENTER. Your request is transmitted, and NotifyLink Professional deletes the email message from your PC.

Originating an Email From Your Device

When you compose a new email using your device you may either:

- Have it appear to have originated from your PC email address
- Have it originate from your device with your regular wireless device email address. To send a message from your Wireless Device without using NotifyLink Professional, refer to your wireless device's User's Guide

When you compose a new email message from your wireless device, and you want the message to appear to have been sent from your PC email application, you must send the email to your PC email address.

In essence, you are sending a message to the NotifyLink Professional software on your PC and telling it what you want to do. Your message acts like a remote control directing your NotifyLink Professional 'assistant' to send a message for you. To simplify creating your messages, add your PC email address to the address book on your wireless device.

Originating an Email Using Your Messaging Device

To compose an email message, and have it appear as if it were sent from your PC email address:

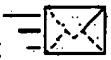
1. From the Send Message Menu press ^ or v to highlight Select Address then press ENTER.
2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.
4. Press ^ or v to highlight E-Mail Address then press ENTER.
5. Press ^ or v to highlight Write Message then press ENTER.

6. Compose your message using the following format:

   Start your message command EMAIL followed by the message tag, **TO:** followed by the email address of the person you want to send the message. Then type a space and the message tag, **SU:** or **RE:** followed by the subject of your message. Type the message tag, **BD:** then the body of your message. If you want to send a copy or a 'blind' copy of your message to someone, use the message tag CC: or BCC: followed by the appropriate email address.

   Example:

   Email TO:johnsmith@xyz.com SU:Lunch BD:Hey John, I can't have lunch with you today. Let's talk later. Sue BCC:pattyq@abc.com.

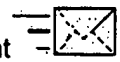
7. When you have finished composing your message then press ENTER.
8. Press ^ or v to highlight  Send Message then press ENTER.
9. The display shows MESSAGE TRANSMITTING to inform you that your message is being sent.

***Note:** If your device is experiencing difficulties, you may receive an error message, "Transmission Failed". If you do not receive an error message, but are experiencing delays in transmission, your wireless carrier may be experiencing difficulties.*

BLOCK or UNBLOCK a Specific Email Address

When you want to prevent messages from being sent to you from a specific email address, you may apply a **BLOCK** from your wireless device. This works just like blocking a call on your telephone. Once you have received a message, you can apply the block to the email address, and no further messages originated from that address are sent to your wireless device. A block is NOT the same as a filter (although some filters might act like a block), and a block can ONLY be applied from your wireless device. A block takes precedence over any filters that you may have in place.

To BLOCK Emails From a Specific Email Address

1. While previewing or reading the NotifyLink Professional notification (which has been sent from the address you want to block), press SYMBOL MENU/SPACE to access the Message Options menu.
2. Press ^ or v to highlight Reply to Message then press ENTER.
3. Press ^ or v to highlight Custom Reply then press ENTER.
4. Type the command: BLOCK and press ENTER.
5. To send the command, press ^ or v to highlight  Send Message then press ENTER. The command to BLOCK future messages from this email address is sent.

To UNBLOCK a Specific Email Address

1. From the Send Message Menu press ^ or v to highlight Select Address then press ENTER.

2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.
4. Press ^ or v to highlight E-Mail Address then press ENTER.
5. Press ^ or v to highlight Write Message then press ENTER.
6. Compose your message using the following format:

   UNBLOCK <ADDRESS>

   Where <ADDRESS> is the email address you want to unblock. Make sure there is a space between the command, UNBLOCK and the email address. The email address you type here must exactly match the email address which you previously blocked.

7. When you have finished composing your message, press ENTER.
8. From the Send Message menu press ^ or v to highlight Send Message then press ENTER.

Turning NotifyLink Professional Notification ON or OFF

You have the option of turning your NotifyLink Professional Notification Service ON or OFF from either the PC application or from your two-way messaging device.

To turn your NotifyLink Professional Notification Service OFF either REPLY to a notification or originate a new message your PC email address.

To REPLY to Turn Notification OFF

1. While previewing or reading a NotifyLink Professional notification, press SYMBOL MENU/SPACE to access the Message Options menu.
2. Press ^ or v to highlight Reply to Message then press ENTER.
3. Press ^ or v to highlight Custom Reply then press ENTER.
4. Type the command, NOTIFY OFF then press ENTER.
5. To send the command, press ^ or v to highlight Send Message then press ENTER. The command to turn your notification service OFF is sent.

To Originate a New Message to Turn Notification OFF or ON

1. From the Send Message Menu press ^ or v to highlight Select Address then press ENTER.
2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.
4. Press ^ or v to highlight E-Mail Address then press ENTER.

5. Press ^ or v to highlight Write Message then press ENTER.
6. Compose your message using the following format:

   To turn notification service OFF, type NOTIFY OFF.

   To turn notification service ON, type NOTIFY ON.

7. When you have finished composing your message, press ENTER.
8. From the Send Message menu press ^ or v to highlight Send Message and press ENTER.

Checking for New Email Messages

You have the option of requesting a check for new email messages when you have had Notification OFF or Messaging Disabled.

To ask NotifyLink Professional to check for new messages, you must send your request to your PC email address.

To Check for New Emails

1. From the Send Message Menu press ^ or v to highlight * Select Address then press ENTER.
2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.
4. Press ^ or v to highlight E-mail Address then press ENTER.
5. Press ^ or v to highlight Write Message then press ENTER.
6. Type the command: CATCHUP
7. Press ENTER.
8. Press ^ or v to highlight Send Message then press ENTER.

Using "Tags" to Format Your Email Messages

NotifyLink Professional uses "Tags" to format email messages so that you can tell your NotifyLink Professional 'assistant' how your messages should appear.

Tags are predefined, reserved words that are used when you compose an email to tell NotifyLink Professional how you want your messages to appear. Tags, which are used for NotifyLink Professional messages, include the following:

- TO:
- CC:
- BCC:
- SU:
- RE:
- BD

Tags may appear in any order. For example, you may type the body of your message, and then CC: and/or BCC: at the end of the message. Or you may put the CC: first. Be sure to include the colon with each tag (CC: - not CC).

You may also specify multiple Tags. In order to use multiple Tags, they must be separated by a space, a semi-colon, or a comma.

Each tag is discussed in more detail below.

TO:

This tag precedes the email address of the person (or persons) to whom you are sending your message. When you type this tag, NotifyLink Professional will know that the address that follows it is the person to whom you want to send your message. The format is:

TO: email@address.com

If you want to send your message to more than one person, there are two ways to construct the Tags:

1. You may use the TO: tag with each address.

TO: email1@address.com **SU:** this is the subject **TO:** email2@address.com

2. You may also use one TO: Tag with multiple email address seperated by a comma, a space, or a semi-colon.

TO: email1@address.com
email2@address.com,email3@address.com;email4@address.com

CC: and BCC:

These tags are used to send a copy or a 'blind' copy of your message to another person. The format is:

CC: email@address.com

BCC: email@address.com

If you want to copy or 'blind' copy more than one person, use the CC: or BCC: tag with each address.

SU: and RE:

These tags both refer to the subject of your message, and can be used interchangeably. When you type either of these tags, NotifyLink Professional will know that the text that follows is the subject of your message. Type either one of the tags and then the subject of your message. The format is:

SU: the subject of the message

RE: the subject of the message

BD:

This tag precedes the body text of your message. When you type this tag, NotifyLink Professional will know that the text that follows is the body of your email message. The format is:

BD: the body of the message

Finding a File on Your PC

You have the option of finding a file which is located on your PC. NotifyLink Professional will search for the file you have specified.

To ask NotifyLink Professional to search for your file, you must send your request to the NotifyLink Professional PC.

How to Find a File

1. From the Send Message Menu press ^ or v to highlight * Select Address then press ENTER.
2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.
4. Press ^ or v to highlight E-mail Address then press ENTER.
5. Press ^ or v to highlight Write Message then press ENTER.
6. Type the command: FIND FI: <file path and or file name>
7. Press ENTER.
8. Press ^ or v to highlight Send Message then press ENTER.

If a match is found, you will notice that NotifyLink Professional associates a number to the file name. You can then forward that file (or files) to another user.

Forward the File that was Found

1. From the Send Message Menu press ^ or v to highlight * Select Address then press ENTER.
2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.
4. Press ^ or v to highlight E-mail Address then press ENTER.
5. Press ^ or v to highlight Write Message then press ENTER.
6. Type the command: EMAIL TO:<email address of person you wish to forward the file to> FI:<#>
7. Press ENTER.
8. Press ^ or v to highlight Send Message then press ENTER.

For example, this can be done originating the command: **email to: <email@address.com> fi: 1** or if a notification was sent to you and you would like to forward the notification to another address and attach a file then you would **reply** to the notification that you want to be forwarded and then using the command **forward to: <email@address.com> fi: 1**. In the event that NotifyLink Professional finds multiple file matches, it will send a notification to your device with a numeric number and the file paths and names.

PIM Commands

Finding Calendar Entries:

You have the option of finding a calendar entry which is located in your PC email software. NotifyLink Professional will search your email software Calendar for the **date** you specify. The search results will be sent to your wireless device. (***Note:*** The search results return the information you specified in the PIM section of your configuration.)

To ask NotifyLink Professional to search for your calendar entry, you must send your request to the NotifyLink Professional PC.

1. From the Send Message Menu press ^ or v to highlight * Select Address then press ENTER.
2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.
4. Press ^ or v to highlight E-mail Address then press ENTER.
5. Press ^ or v to highlight Write Message then press ENTER.
6. Type the command (three ways to issue the command are shown below):

   FIND DA:<mm-dd-yy>
   FIND DA:<mm/dd/yy>
   FIND DA:<mm|dd|yy>
7. Press ENTER.
8. Press ^ or v to highlight Send Message then press ENTER.

In the event that NotifyLink Professional finds multiple calendar entry matches, it will send a notification to your device with a numeric number and the dates. To then receive more data, you must issue another command of FIND <#>.

Finding Contacts:

You have the option of finding contacts which are located in your PC email software. NotifyLink Professional will search your email software Contacts for the **name**, **phone number**, or **email address** you specify. The search results will be sent to your wireless device. (***Note:*** The search results return the information you specified in the PIM section of your configuration.)

To ask NotifyLink Professional to search for your calendar entry, you must send your request to the NotifyLink Professional PC.

1. From the Send Message Menu press ^ or v to highlight * Select Address then press ENTER.
2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.
4. Press ^ or v to highlight E-mail Address then press ENTER.

5. Press ^ or v to highlight Write Message then press ENTER.
6. Type the applicable command:

   Search by **name**:
   FIND NA:<first name, last name or both>

   Search by **phone number**:
   FIND PH:<phone number>
   FIND EM:<email address>
7. Press ENTER.
8. Press ^ or v to highlight Send Message then press ENTER.

In the event that NotifyLink Professional finds multiple contact matches, it will send a notification to your device with a numeric number and the contact names. To then receive more data, you must issue another FIND command by repeating the steps above.

Finding Tasks:

You have the option of finding a task which is located in your PC email software. NotifyLink Professional will search your email software Tasks for the **start date** (of the task) you specify. The search results will be sent to your wireless device. (***Note:*** The search results return the information you specified in the PIM section of your configuration.)

To ask NotifyLink Professional to search for your task, you must send your request to the NotifyLink Professional PC.

1. From the Send Message Menu press ^ or v to highlight * Select Address then press ENTER.
2. Press ^ or v to highlight Address Book then press ENTER.
3. Press ^ or v to highlight PC then press ENTER.
4. Press ^ or v to highlight E-mail Address then press ENTER.
5. Press ^ or v to highlight Write Message then press ENTER.
6. Type the command (three ways to issue the command are shown below):

   FIND ST:<mm-dd-yy>
   FIND ST:<mm/dd/yy>
   FIND ST:<mm|dd|yy>
7. Press ENTER.
8. Press ^ or v to highlight Send Message then press ENTER.

In the event that NotifyLink Professional finds multiple tasks for the start date you specified, it will send a notification to your device with a numeric number and the dates. To then receive more data, you must issue another FIND command by repeating the steps above.

Top

Section 12 - Command Quick Reference

CLICK HERE FOR A PRINTER FRIENDLY VERSION OF THE COMMAND QUICK REFERENCE

You can reply to any notification received on your wireless device. Replies to notifications will be sent back to the sender of the email and will look as if they were sent from your email account, rather than your wireless device.

In addition, there are many commands which can be used with NotifyLink Professional. Commands allow you even more flexibility in managing your email account from your wireless device. For example, you can send emails from your device using NotifyLink Professional. This is used when you want your messages to appear as if they are being sent from your email address rather than your wireless device. Some commands require this use of Tags.

Click here for more information on using Tags.
Click on any command for a more detailed description.

The following commands can be used by replying to a notification.

Step 1: Select "Reply" to a notification.

Command	Definition	Step 2: How to Send
DELETE	Delete the email from the PC inbox	Select DELETE from list
MORE	Receive more of this email	Select MORE from list
ALL	Receive all of this email	Select Custom Reply and type ALL
FORWARD	Forward this email (including any attachments) to specified address	Type FORWARD TO: email@address.com BD: this is the message
BLOCK	Send no more notifications of email from this address	Type BLOCK

The following commands can be initiated from the device as a new email.

Step 1: Send these commands to your PC email address running NotifyLink Professional.

Command	Definition	Step 2: How to Send
CATCHUP	Check to see if I have new email and send all	Type CATCHUP
EMAIL	Send an email to specified address	Type EMAIL TO: email@address.com BD: this is the message
FIND FI:	Find a file which is located on the PC	Type FIND FI: <file name>
FIND DA:	Find a calendar entry on your PC	Type FIND DA: <date>
FIND NA:	Find a contact on your PC (search by name)	Type FIND NA: <first, last or both names>
FIND PH:	Find a contact on your PC (search by phone number)	Type FIND PH: <phone number>
FIND EM:	Find a contact on your PC (search by email address)	Type FIND EM: <email@address.com>
FIND ST:	Find a task on your PC (search by start date)	Type FIND ST: <date>
FIND DU:	Find a task on your PC (search by due date)	FIND DU: <date>
NOTIFY	Turn NotifyLink Professional email notification	NOTIFY ON

ON	on	NOTIFY ON
NOTIFY OFF	Turn NotifyLink Professional email notification off	NOTIFY OFF
UNBLOCK	Begin sending notifications from a previously blocked address	UNBLOCK email@address.com

Commands Defined

DELETE: This command will tell NotifyLink Professional to delete the email from your PC inbox.

MORE: This command will tell NotifyLink Professional to send you more of the email to your wireless device. The size of the notification it will send is determined by the size you chose in the Device Properties - Format settings - MORE command.

ALL: This command will tell NotifyLink Professional to send you the remainder of the email to your wireless device. The remainder will be sent in multiple notifications up to a total of 2K bytes. The size of the notifications NotifyLink Professional will send is determined by your Service Provider's maximum notification size. If the email was larger than 2K bytes, you can issue another ALL command.

FORWARD: This command will tell NotifyLink Professional to forward the email to the <email@address.com> you typed in. Any attachments that were received will also be forwarded.

BLOCK: This command will tell NotifyLink Professional to send no more notifications of email from this email address.

CATCHUP: This command will tell NotifyLink Professional to check to see if you have new email since you last enabled messaging, and to send all to your wireless device. This command would only be necessary if you have turned NotifyLink Professional email notification off.

EMAIL: This command will tell NotifyLink Professional to send an email to the <email@address.com> you specified.

FIND - this command will tell to search your PC for any of the information listed below. You can only perform one type of FIND command at a time.

Finding Files
FIND FI: <file path and/or name>
Search for the **file** you have specified. *In the event that found multiple file matches*, it will send a notification to your device with a numeric number and the files path and names. The following example illustrates various way to use the FIND command to find a file located on your pc C:\drive named test.txt:

- find fi: c:\test.txt
- find fi: test.txt
- find fi: test

If a match is found you can then forward that file to another user. For example, this can be done originating the command: **email to: <email@address.com> fi: 1** or if a notification was sent to you and you would like to forward the notification to another address and attach a file then you would **reply** to the notification that you want to be forwarded and then using the command **forward to: <email@address.com> fi:1.**

Finding Calendar Entries
FIND DA: <mm-dd-yy> or
FIND DA: <mm/dd/yy> or
FIND DA: <mm|dd|yy>
Search your email software Calendar for the **date** you have specified and return the information you specified in the PIM section of your configuration.

Finding Contacts
FIND NA: <name>
Search your email software Contacts for the **name** you have specified and return the information you specified in the PIM section of your configuration. In the event that found multiple name matches, it will send a notification to your device with a numeric number (and the names if you selected the Contact Names option in the Contacts PIM configuration). To then receive more data, you must issue another command of FIND <#>.
FIND PH: <phone number>
Search your email software contacts for the **phone number** you have specified and return the information you specified in the PIM section of your configuration. In the event that found multiple phone number matches, it will send a notification to your device with a numeric number (and the names if you selected the Contact Names option in the Contacts PIM configuration). To then receive more data, you must issue another command of FIND <#>.
FIND EM: <email@address.com>
Search your email software contacts for the **email address** you have specified and return the information you specified in the PIM section of your configuration. In the event that found multiple email address matches, it will send a notification to your device with a numeric number (and the names if you selected the Contact Names option in the Contacts PIM configuration). To then receive more data, you must issue another command of FIND <#>.

Finding Tasks
FIND ST: <mm-dd-yy> or
FIND ST: <mm/dd/yy> or
FIND ST: <mm|dd|yy>
Search your email software Tasks for the **start date** you have specified and return the information you specified in the PIM section of your configuration.

FIND DU: <mm-dd-yy> or
FIND DU: <mm/dd/yy> or
FIND DU: <mm|dd|yy>
Search your email software Tasks for the **due date** you have specified and return the information you specified in the PIM section of your configuration.

NOTIFY ON: This command will tell NotifyLink Professional to turn email notification on

NOTIFY OFF: This command will tell NotifyLink Professional to turn email notification off

UNBLOCK: This command will tell NotifyLink Professional to begin sending notifications again from a previously blocked <email@address.com>

Top

TRADEMARKS AND SERVICE MARKS

- MOTOROLA, the Stylized M Logo and all other trademarks indicated as such herein are trademarks of Motorola, Inc. Reg. U.S. Pat. & Tm. Off. All other product or service names are the property of their respective owners.

2001 Motorola, Inc. All rights reserved. Printed in the U.S.A.

NOTIFY
TECHNOLOGY

The NotifyLink Desktop Edition - Professional Version offers users a virtual real-time wireless connection to their existing desktop based critical data: email, calendar, contacts, tasks, files.

The NotifyLink Desktop Edition - Professional Version enables users to conveniently access and manage this critical data from a variety of 2way devices, while they are mobile.

Professional Version Features	*NotifyLink*
Wireless Access to Your Email	✓
Real Time Email Notification	✓
Integrated with Existing Email Accounts	✓
Works with Various ReFLEX 2way Messaging Devices	✓
Works with ALL ReFLEX Service Providers	✓
Compose, Reply, & Forward as if it Were Sent from Your PC	✓
Multiple Email Account Management	✓
Designed for a PC With an "Always-On" Connection	✓
Supports Outlook, Outlook Express, Netscape, Eudora	✓
Desktop Email Synchronization with Your 2way Device	✓
Ability to Customize Your Wireless Email Header	✓
Robust Filtering	✓
Screen Saver Activation	✓
Encryption Supporting Triple DES & RC/4	✓
Customize Notification Appearance & Detail	✓
Customize Notification Size of Characters, Content, & Attachments	✓
Remotely Send, Reply, Delete, & Forward from Your 2way Device	✓
Remotely Block Incoming Email from Your 2way Device	✓
Remotely Enable or Disable Forwarding Email from Your Desktop	✓
Remotely Request More or All of an Email from Your 2way Device	✓
Remotely Access & Manage Your Desktop Calendar, Contacts, Tasks, and Files	✓
Remotely Synchronizes with Your PC email, Calendar, Contacts, and Tasks	✓
Remotely Execute File Management and File Commands	✓

Supported Devices

- Motorola Talkabout® T900 2way
- Motorola Timeport™ P935 Personal Interactive Communicator
- Motorola Pagewriter® 2000x 2way
- Handspring™ Visor using Glenayre™ @ctivelink™ Module

Compatibility

PC Requirements

- Pentium Processor with 20 MB of Hard Drive Space
- 64 MB of RAM or More

Operating System Requirements

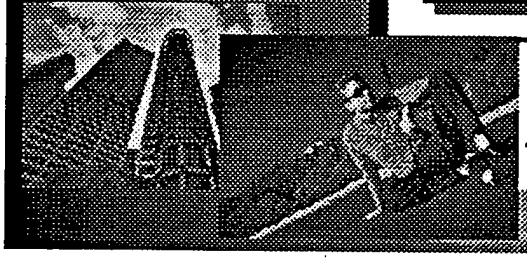
- Windows™ 95,98,2000
- Windows™ NT,ME, Etc

Supported Email Clients

- Microsoft Outlook™ 97 Vs. 8.3 +
- Microsoft Outlook™ 98, 2000,

Other Requirements

- MDAC 2.11 or Higher. The Microsoft ™ Data Access Components (MDAC) are the key technologies that enable Universal Data Access
- Microsoft Internet Explorer™ 4.0



No one would ever know you responded to all your emails, managed your tasks, and closed the deal, all from the Back-9

Not Possible? Welcome to NotifyLink!

NOTIFY TECHNOLOGY

The NotifyLink Desktop Edition - Professional Version offers users a virtual real-time wireless connection to their existing desktop based critical data: email, calendar, contacts, tasks, files.

The NotifyLink Desktop Edition - Professional Version enables users to conveniently access and manage this critical data from a variety of 2way devices, while they are mobile.

The following is a feature comparison between the NotifyLink Desktop Edition and the BlackBerry™ Enterprise Edition with Desktop Reflector Software

Professional Version Features	*NotifyLink*	*BlackBerry™*
Wireless Access to Your Email	✓	✓
Real Time Email Notification	✓	✓
Integrated with Existing Email Accounts	✓	✓
Works with Various ReFLEX 2way Messaging Devices	✓	
Works with ALL ReFLEX Service Providers	✓	
Compose, Reply, & Forward as if it Were Sent from Your PC	✓	✓
Multiple Email Account Management	✓	
Designed for a PC With an "Always-On" Connection	✓	✓
Supports Outlook, Outlook Express, Netscape, Eudora	✓	
Desktop Email Synchronization with Your 2way Device	✓	✓
Ability to Customize Your Wireless Email Header	✓	
Robust Filtering	✓	✓
Screen Saver Activation	✓	
Encryption Supporting Triple DES & RC/4	✓	✓
Customize Notification Appearance & Detail	✓	
Customize Notification Size of Characters, Content, & Attachments	✓	
Remotely Send, Reply, Delete, & Forward from Your 2way Device	✓	✓
Remotely Block Incoming Email from Your 2way Device	✓	
Remotely Enable or Disable Forwarding Email from Your Desktop	✓	
Remotely Request More or All of an Email from Your 2way Device	✓	
Remotely Access & Manage Your Desktop Calendar, Contacts, Tasks, and Files	✓	
Remotely Synchronizes with Your PC email, Calendar, Contacts, and Tasks	✓	
Remotely Execute File Management and File Commands	✓	

NOTIFY
TECHNOLOGY

Supported Devices

- Motorola Talkabout® T900 2way
- Motorola Timeport™ P935 Personal Interactive Communicator
- Motorola Pagewriter® 2000x 2way
- Handspring™ Visor using Glenayre™ @ctivelink™ Module

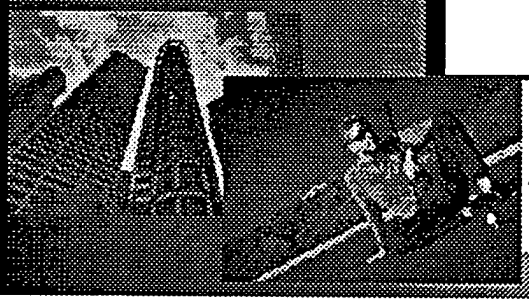
Compatibility

PC Requirements
- Pentium Processor with 20 MB of Hard Drive Space
- 64 MB of RAM or More

Operating System Requirements
- Windows™ 95,98,2000
- Windows™ NT,ME, Etc.

Supported Email Clients
- Microsoft Outlook™ 97 Vs. 8.3 +
- Microsoft Outlook™ 98, 2000,

Other Requirements
- MDAC 2.11 or Higher. The Microsoft® Data Access Components (MDAC) are the key technologies that enable Universal Data Access
- Microsoft Internet Explorer™ 4.0



NotifyLink Desktop Edition

The NotifyLink Desktop Edition—Professional Version package offers users a virtual real-time wireless connection to their existing desktop based critical data: email, calendar, contacts, tasks, files.

The NotifyLink Desktop Edition—Professional Version enables users to conveniently access and manage this critical data from a variety of 2way devices, while they are mobile.

NotifyLink Desktop Edition—Professional Version software has been designed for a Windows-based PC that has an "Always-On" connection to the Internet.

Professional Version Features

- Remote Access to your existing desktop email accounts (up to six)
- Eliminate the inconvenience of a separate mobile email address
- Compose, Read, Reply to, Forward, and Delete email while mobile from multiple 2way devices*
- Easily customize the size, appearance, and content of emails forwarded to your 2way device
- Powerful filtering lets you control which email is forwarded to your 2way device
- Supports a variety of email commands
- Supports Outlook, Outlook Express, Netscape, Eudora, etc.
- Synchronizes with your PC email wirelessly
- Designed for the "Always-On" PC running Windows 95, 98, 2000, ME, NT, etc.
- Supports secure, end-to-end, encryption when used with the Motorola Timeport™ P935 or the HandSpring™ Visor using the Glenayre™ @ctiveLink™ Module
- Software Installed on your PC and specific 2way devices
- Remote Access and Management of your Desktop Calendar, Contacts, Tasks, and Files
- Synchronizes with your PC email, Calendar, Contacts, and Tasks
- Mobile File Management and File Commands

No one would ever know you responded to all your emails, managed your tasks, and closed the deal, all from the Back-9

Not Possible? Welcome to NotifyLink!

THE CURE FOR E-MAIL SEPARATION ANXIETY.

MOTOROLA

_100% wireless; 0% dial-in
_Use existing e-mail address
_Filter subject, sender, length

intelligence everywhere

The Motorola Timeport™ P935 Personal Communicator

Wireless e-mail. Get it. Send it. When you're on the go. You control what e-mails come in and how you receive them. No dialing in for messages. They pop up quickly. You respond quickly. And with everything from 2-way texting to calendar to contacts, it keeps you totally organized. Want to use your existing e-mail address? Check out Motorola MyMail software. Customized applications? We've got that too. Along with other innovative wireless e-mail solutions.

Motorola MyMail

Purchase and activate a Timeport P935 Personal Communicator by October 31 and get the first month of service free.* Call 1-800-619-9543, code 6419, or visit motorola.com/messaging/solutions/offer9

*Free service for one month. Carrier conditions apply. Offer exclusively available through participating representatives. Limit one month free service. To be eligible, Timeport P935 Personal Communicator must be purchased by 10/31/01 and activated within 30 days of purchase. Void where prohibited, taxed or restricted. Coverage available in most areas. Subject to terms and conditions.

MOTOROLA, the Stylized M Logo and all other trademarks indicated herein are trademarks of Motorola, Inc. © 2001 Motorola, Inc. All rights reserved. Printed in the U.S.A.

Search: **Motorola**

mymail

search Help Advanced

Tip: You can type in your query using plain language or just use keywords.

Example: who makes the best wine?

Results for: mymail

Document count: mymail (17)

13 results found, sorted by relevance

sort by date | hide summaries

1-13

Motorola MyMail

72%

Take the day off ...you don't have to fear your inbox anymore! **MyMail** Desktop offers remote email access from your Talkabout® T900 2way or Timeport™ P935 messaging device. Simply download the software to your ...

17 Jul 01

Find Similar

http://commerce.motorola.com/consumer/QWhtml/mymail.html - size 15.1K

mymail: 15

Motorola MyMail Desktop Plus for the Timeport P935

69%

MyMail Desktop Plus for the Timeport® P935, P930 and PageWriter 2000X $49.95 1-800-548-9954(Voice) 1-888-390-6456(TDD/TTY) Monday - Friday 7:00a.m. - 7:00p.m. CST View ...

24 Jul 01

Find Similar

http://commerce.motorola.com/consumer/QWhtml/mymailplusprodpw.html - size 27.9K

mymail: 13

Motorola MyMail Desktop Plus for the Talkabout T900 2way

69%

MyMail Desktop Plus for the Talkabout® T900 2way $49.95 1-800-548-9954(Voice) 1-888-390-6456(TDD/TTY) Monday - Friday 7:00a.m. - 7:00p.m. CST View requirements for download. **MyMail** ...

24 Jul 01

Find Similar

http://commerce.motorola.com/consumer/QWhtml/mymailplusprod.html - size 25.5K

mymail: 13

Motorola MyMail Desktop for the Timeport P935
MyMail Desktop for the Timeport® P935, P930 and PageWriter 2000X $39.95 1-800-548-9954(Voice) 1-888-390-6456(TDD/TTY) Monday - Friday 7:00a.m. - 7:00p.m. CST View requirements for ...
http://commerce.motorola.com/consumer/QWhtml/mymailprodpw.html - size 25.8K
mymail: 10
66% 24 Jul 01 Find Similar

Motorola MyMail Desktop for the Talkabout T900 2way
MyMail Desktop for the Talkabout® T900 2way $29.95 1-800-548-9954(Voice) 1-888-390-6456(TDD/TTY) Monday - Friday 7:00a.m. - 7:00p.m. CST View requirements for download. Detailed ...
http://commerce.motorola.com/consumer/QWhtml/mymailprod.html - size 23.9K
mymail: 10
66% 24 Jul 01 Find Similar

MOTOROLA ANNOUNCES NEW SOLUTIONS TO PROVIDE CONSUMERS WITH WIRELESS ACCESS TO PERSONAL AND ...
Motorola (NYSE: MOT) today announced the development of Motorola **MyMail** ™ , a suite of mobile e-mail solutions that offer remote, synchronized ...
http://www.motorola.com/MIMS/MSPG/Press/PR20010320_20588.html - size 8.2K
mymail: 12
64% 26 Mar 01 Find Similar

Wireless Messaging Solutions - Wireless Email
Control your e-mail from the palm of your hand with any one of the Motorola **MyMail** Solutions – either Desktop, Desktop Plus, or Enterprise. Maintain access to the e-mail you want ...
http://www.motorola.com/messaging/solutions/wireless_email.html - size 13.2K
mymail: 8
57% 21 Aug 01 Find Similar

Wireless Messaging Solutions - Motorola Pricing
Motorola Enterprise Solutions Hardware (US$) Here's our suggested list hardware pricing, but keep in mind that a qualified partner will provide you with more accurate pricing based on ...
http://www.motorola.com/messaging/solutions/pricing.html - size 14.5K
mymail: 5
51% 21 Aug 01 Find Similar

MOTOROLA SHIPS ONE MILLIONTH TALKABOUT{R} T900 2-WAY TEXT MESSAGING DEVICE
Motorola (NYSE: MOT) today announced the shipment of the one millionth Talkabout ® T900 2-Way text messaging device, less than a year following its introduction. ...
http://www.motorola.com/MIMS/MSPG/Press/PR20010711_12514.html - size 8.1K
mymail: 3
40% 16 Jul 01 Find Similar

MOTOROLA MESSAGING DIVISION LAUNCHES B2B WEB SITE
Motorola Inc. (NYSE: MOT) today announced the official launch of a Web site devoted entirely to its business-to-business wireless messaging solutions. The Web site, ...
http://www.motorola.com/MIMS/MSPG/Press/PR20010730_9230.html - size 6.0K
mymail: 2

03 Aug 01
Find Similar

Motorola Accessories
Be even more mobile. We've brought together accessories that make our products more wearable, more powerful, more rugged, and more your style. They're designed to enhance the way wireless works for you. To see your ...
http://commerce.motorola.com/consumer/QWhtml/acc_cat.html - size 16.5K
mymail: 1

34%
21 Aug 01
Find Similar

Motorola Messaging Systems Press Releases Archive - March, 2001
March 21, 2001 MOTOROLA ANNOUNCES NEW SOLUTIONS TO PROVIDE CONSUMERS WITH WIRELESS ACCESS TO PERSONAL AND ENTERPRISE E-MAIL ACCOUNTS Consumers Can Now Remotely Manage E-Mail ...
http://www.motorola.com/MIMS/MSPG/Press/index_200103.html - size 2.9K
mymail: 1

29%
21 Aug 01
Find Similar

Motorola T900 2Way
Mot orola Talkabout® T900 2way More than just communication. 2way text messaging is perfect for making a statement and grabbing the spotlight. Go ahead, show off your style and make everyone jealous. Buy online : ...
http://www.motorola.com/GSS/CSG/direct_pagers/T900/ - size 8.1K
mymail: 1

29%
07 Aug 01
Find Similar

sort by date | hide summaries

1-13

© Copyright 1994-2000 Motorola, Inc. All Rights Reserved.
Home | Terms of Use | Privacy Practices | Contact Us

MOTOROLA Consumer Catalog · United States

SHOPPING CART · ORDER STATUS · CUSTOMER SUPPORT

SEARCH: GO

PHONES | PAGERS | 2-WAY RADIOS | MULTI-COMM | ACCESSORIES

HOME · PRODUCT PREVIEWS · SPECIALS

Software

Take the day off...you don't have to fear your inbox anymore! MyMail Desktop offers remote email access from your Talkabout® T900 2way or Timeport™ P935 messaging device. Simply download the software to your computer. Effortlessly read, reply, send and forward email messages. No one will ever know that you are communicating from your messaging device instead of your desktop computer!

A secret weapon for fast-paced individuals who need to keep in touch. Because out of the office doesn't have to mean out of control email.

MyMail Desktop

→ T900 2way
→ Timeport® P935, Timeport® P930 and PageWriter 2000x

MyMail Desktop Plus

All the features available with MyMail Desktop, **plus** remote access to your PC to retrieve your calendar, tasks and contacts information and the ability to search for files on your PC and forward them via your messaging device.
→ T900 2way
→ Timeport® P935, Timeport® P930 and PageWriter 2000x

MyMail Enterprise

Powered by the Motorola Messaging Server, MyMail Enterprise is a wearable application that runs on your Timeport™ P935 messaging device. Today, MyMail Enterprise supports Lotus Notes and IMAP4 rev 1 servers such as Netscape and Microsoft Exchange. Future releases will support other mail servers. For additional MyMail Enterprise product and pricing information, please contact us by email at: mymail@motorola.com

Spotlight

Dooney & Burke® Zip Caddy

Designed to fit snuggly around your pager, this caddy conveys business-like sophistication while providing the ultimate protection, whether in your briefcase or on your desktop. **$49.99**

Available in Black, British Tan or Navy Compatible with PageWriter 2000™, PageWriter 2000X™, P930 and P935.

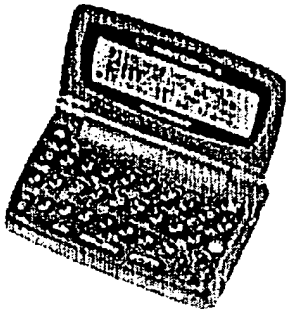
Home : Phones : Pagers : 2-Way Radios : Multi-Comm : Accessories
Customer Support : Shopping Cart

Purchase On-Line Terms and Conditions
Legal Terms and Conditions, Privacy Practices.

Copyright ©1999-2001. Motorola, Inc. All rights reserved.

MyMail Desktop for the Talkabout® T900 2way

MOTOROLA MyMail



View requirements for download.

Detailed Features:

- **Single email address**
  Addressing from your PC email address not your Talkabout® T900 wireless address.
- **Message filtering**
  You designate which messages are forwarded to your pager based on the sender, subject heading, or body text.
- **Message size control**
  You choose how many characters of each message you want to receive - if you decide to read more of the message simply use the MORE command to receive additional text.
- **ON/OFF capability**
  Allows you to resume/suspend email forwarding using your Talkabout® T900.
- **Catch up functionality**
  Allows you to receive all missed messages if you turn MyMail off for a period of time.
- **Block and Unblock capabilities**
  Allows you to suspend messages based on the sender.
- **Keeps an audit trail ****
  All messages you send, reply or forward are stored on your desktop email client.

** Email client dependent feature. Not supported with Eudora, Netscape and Outlook Express clients.

CLICK TO ORDER

$29.95

CALL US

1-800-548-9954(Voice)
1-888-390-6456(TDD/TTY)
Monday - Friday
7:00a.m. - 7:00p.m. CST

Requirements:

Messaging Device Requirements

- This MyMail software works with the Talkabout® T900 2way.
- Your Talkabout® T900 2way's wireless device email address must match one of the suffixes below. If you do not see a wireless address similar to yours, please email us at mymail4u@motorola.com and we'll work to add support for your wireless address.

- airmessage.net
- archwireless.net
- bidicourriel.com
- e.pagenet.ca
- mobile.bell.ca
- mobilecomm.net
- mobilemessage.com
- myairmail.com
- my2way.com
- pagemci.com
- pagenetmessage.net
- skytel.com
- web2pager.com
- worldcom.com

Internet Connection Requirements

- To use Motorola MyMail Desktop you must have an "Always On" connection to the Internet. (Cable, DSL, ISDN or T1 connection).

PC Requirements

- Pentium Processor with 20 MB of free hard drive space
- 64 MB RAM (or higher) recommended

Operating Systems Supported

- Microsoft Windows 95
- Microsoft Windows 98
- Microsoft Windows NT with service pack 4.0 or higher
- Microsoft Millennium
- Microsoft Windows 2000

Email Clients Supported

- Microsoft Outlook 97 (Corporate or Workgroup)
- Microsoft Outlook 98 (Corporate or Workgroup)
- Microsoft Outlook 2000 (Corporate or Workgroup)
- Microsoft Outlook 2002 (Corporate or Workgroup)
- Outlook Express version 4.0 and later*
- Netscape Communicator 4.x, where x is 5 or greater*

- Eudora version 5.0 and later*

* Must be set up as POP3 account

Other System Requirement

- Microsoft Internet Explorer 4.0 or higher

Support:

- View the User Manual
- See FAQ's

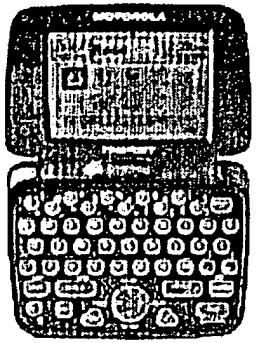
Back to top

Purchase On-Line Terms and Conditions
Legal Terms and Conditions.Privacy Practices.

Copyright ©1999-2001. Motorola, Inc. All rights reserved.

MyMail Desktop for the Timeport® P935, P930 and PageWriter 2000X

Motorola MyMail



View requirements for download.

Detailed Features:

- **Single email address**
  Addressing from your PC email address not your wireless device address.
- **Message filtering**
  You designate which messages are forwarded to your pager based on the sender, subject heading, or body text.
- **Message size control**
  You choose how many characters of each message you want to receive - if you decide to read more of the message simply use the MORE command to receive additional text.
- **ON/OFF capability**
  Allows you to resume/suspend email forwarding using your wireless device.
- **Catch up functionality**
  Allows you to receive all missed messages if you turn MyMail off for a period of time.
- **Block and Unblock capabilities**
  Allows you to suspend messages based on the sender.
- **Messaging security**
  Offers encryption to protect your email messages and file management information as they are sent over-the-air.

CLICK TO ORDER

$39.95

CALL US

1-800-548-9954(Voice)
1-888-390-6456(TDD/TTY)
Monday - Friday
7:00a.m. - 7:00p.m. CST

Requirements:

Messaging Device Requirements

- This MyMail software works with the Timeport® P935, Timeport® P930 and PageWriter 2000X.
- You will need 100KB of free memory on your device for intallation.
- Your wireless device email address must match one of the suffixes below. If you do not see a wireless address similar to yours, please email us at mymail4u@motorola.com and we'll work to add support for your wireless address.

- airmessage.net
- archwireless.net
- bidicourriel.com
- e.pagenet.ca
- mobilemessage.com
- myairmail.com
- my2way.com
- pagenetmessage.net
- skytel.com
- web2pager.com
- worldcom.com

Messaging Device OS requirements

- Timeport P935 with Wisdom OS release 4.0
- Timeport P930 with Wisdom OS release 4.0
- PageWriter 2000X with Wisdom OS release 4.0

Notes

- Motorola's Wisdom OS is standard on the Timeport P935 Personal Communicator.
- The Timeport P930 and PageWriter 2000X can be upgraded to Wisdom OS with the Motorola P935 Software Upgrade CD.
- The PageWriter 2000 model does not support Wisdom OS

Internet Connection Requirements

- To use Motorola MyMail Desktop you must have an "Always On" connection to the Internet. (Cable, DSL, ISDN or T1 connection).

PC Requirements

- Pentium Processor with 20 MB of free hard drive space
- 64 MB RAM (or higher) recommended

Operating Systems Supported

- Microsoft Windows 95
- Microsoft Windows 98
- Microsoft Windows NT with service pack 4.0 or higher
- Microsoft Millennium
- Microsoft Windows 2000

Email Clients Supported

- Microsoft Outlook 97 (Corporate or Workgroup)
- Microsoft Outlook 98 (Corporate or Workgroup)
- Microsoft Outlook 2000 (Corporate or Workgroup)
- Microsoft Outlook 2002 (Corporate or Workgroup)
- Outlook Express version 4.0 and later*
- Netscape Communicator 4.x, where x is 5 or greater*
- Eudora version 5.0 and later*

* Must be set up as POP3 account

Other System Requirement

- Microsoft Internet Explorer 4.0 or higher

Support:

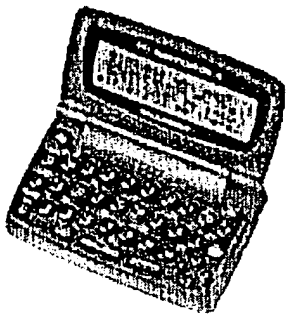
- View the User Manual
- See FAQ's

Back to top

Purchase On-Line Terms and Conditions
Legal Terms and Conditions.Privacy Practices.

Copyright ©1999-2001. Motorola, Inc. All rights reserved.

MyMail Desktop Plus for the Talkabout® T900 2way



View requirements for download.

MyMail Desktop Plus offers all of the features available with MyMail Desktop ***PLUS***:

- Remote access to your PC personal information - forward your appointments or daily tasks to your Talkabout® T900, search your PC address book, or access specific dates of your PC calendar or to-do information all from the palm of your hand.
- Remote file management - which gives you the ability to search for files and forward them from the palm of your hand.

Detailed Features:

- **Single email address**
  Addressing from your PC email address not your Talkabout® T900 wireless address.
- **Message filtering**
  You designate which messages are forwarded to your pager based on the sender, subject heading, or body text.
- **Message size control**
  You choose how many characters of each message you want to receive - if you decide to read more of the message simply use the MORE command to receive additional text.
- **ON/OFF capability**
  Allows you to resume/suspend email forwarding using your Talkabout® T900.

CLICK TO ORDER

$49.95

CALL US

1-800-548-9954(Voice)
1-888-390-6456(TDD/TTY)
Monday - Friday
7:00a.m. - 7:00p.m. CST

- **Catch up functionality**
  Allows you to receive all missed messages if you turn MyMail off for a period of time.
- **Block and Unblock capabilities**
  Allows you to suspend messages based on the sender.
- **Keeps an audit trail ****
  All messages you send, reply or forward are stored on your desktop email client.
- **Remote access to your PC personal information ****
  Forward your appointments or daily tasks to your Talkabout® T900, search your PC address book, or access specific dates on your PC calandar or to-do information.
- **Remote file management**
  Remotely find a file on your PC and forward it to someone else via your T900.

** Email client dependent feature. Not supported with Eudora, Netscape and Outlook Express clients.

Requirements:

Messaging Device Requirements

- This MyMail software works with the Talkabout® T900 2way.
- Your Talkabout® T900 2way's wireless device email address must match one of the suffixes below. If you do not see a wireless address similar to yours, please email us at mymail4u@motorola.com and we'll work to add support for your wireless address.

- airmessage.net
- archwireless.net
- bidicourriel.com
- e.pagenet.ca
- mobile.bell.ca
- mobilecomm.net
- mobilemessage.com
- myairmail.com
- my2way.com
- pagemci.com
- pagenetmessage.net
- skytel.com
- web2pager.com
- worldcom.com

Internet Connection Requirements

- To use Motorola MyMail Desktop Plus you must have an "Always On" connection to the Internet. (Cable, DSL, ISDN or T1 connection).

PC Requirements

- Pentium Processor with 20 MB of free hard drive space
- 64 MB RAM (or higher) recommended

Operating Systems Supported

- Microsoft Windows 95
- Microsoft Windows 98
- Microsoft Windows NT with service pack 4.0 or higher
- Microsoft Millennium
- Microsoft Windows 2000

Email Clients Supported

- Microsoft Outlook 97 (Corporate or Workgroup)
- Microsoft Outlook 98 (Corporate or Workgroup)
- Microsoft Outlook 2000 (Corporate or Workgroup)
- Microsoft Outlook 2002 (Corporate or Workgroup)
- Outlook Express version 4.0 and later*
- Netscape Communicator 4.x, where x is 5 or greater*
- Eudora version 5.0 and later*

* Must be set up as POP3 account.

Other System Requirement

- Microsoft Internet Explorer 4.0 or higher

Support:

- View the User Manual
- See FAQ's

Back to top

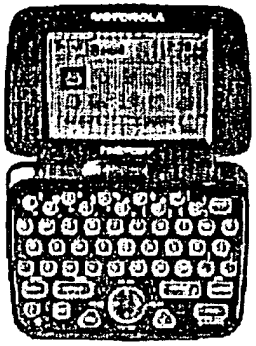
Purchase On-Line Terms and Conditions
Legal Terms and Conditions.Privacy Practices.
Copyright ©1999-2001. Motorola, Inc. All rights reserved.

Software

MyMail Desktop Plus for the Timeport® P935, P930 and PageWriter 2000X

View requirements for download.

Motorola MyMail



MyMail Desktop Plus offers all of the features available with MyMail Desktop ***PLUS***:

- Remote access to your PC personal information - forward your appointments or daily tasks to your wireless device; search your PC address book, or access specific dates of your PC calendar or to-do information all from the palm of your hand.
- Remote file management - which gives you the ability to search for files and forward them from the palm of your hand.

Detailed Features:

- **Single email address**
  Addressing from your PC email address not your wireless device address.
- **Message filtering**
  You designate which messages are forwarded to your pager based on the sender, subject heading, or body text.
- **Message size control**
  You choose how many characters of each message you want to receive - if you decide to read more of the message simply use the MORE command to receive additional text.
- **ON/OFF capability**
  Allows you to resume/suspend email forwarding using your wireless device.

CLICK TO ORDER

$49.95

CALL US

1-800-548-9954(Voice)
1-888-390-6456(TDD/TTY)
Monday - Friday
7:00a.m. - 7:00p.m. CST

- **Catch up functionality**
  Allows you to receive all missed messages if you turn MyMail off for a period of time.
- **Block and Unblock capabilities**
  Allows you to suspend messages based on the sender.
- **Remote access to your PC personal information ****
  Forward appointments or daily tasks to your wireless device, search your PC address book, or access specific dates on your PC calandar or to-do information.**
- **Remote file management**
  Remotely find a file on your PC and forward it to someone else via your wireless device.
- **Messaging security**
  Offers encryption to protect your email messages and file management information as they are sent over-the-air.

**** Email client dependent feature. Not supported with Eudora, Netscape and Outlook Express clients.**

Requirements:

Messaging Device Requirements

- This MyMail software works with the Timeport® P935, Timeport® P930 and PageWriter 2000X.
- You will need 100KB of free memory on your device for intallation.
- Your wireless device email address must match one of the suffixes below. If you do not see a wireless address similar to yours, please email us at mymail4u@motorola.com and we'll work to add support for your wireless address.

- airmessage.net
- archwireless.net
- bidicourriel.com
- e.pagenet.ca
- mobilemessage.com
- myairmail.com
- my2way.com
- pagenetmessage.net
- skytel.com
- web2pager.com
- worldcom.com

Messaging Device OS requirements

- Timeport P935 with Wisdom OS release 4.0
- Timeport P930 with Wisdom OS release 4.0
- PageWriter 2000X with Wisdom OS release 4.0

Notes

- Motorola's Wisdom OS is standard on the Timeport P935 Personal Communicator.
- The Timeport P930 and PageWriter 2000X can be upgraded to Wisdom OS with the Motorola P935 Software Upgrade CD.
- The PageWriter 2000 model does not support Wisdom OS

Internet Connection Requirements

- To use Motorola MyMail Desktop Plus you must have an "Always On" connection to the Internet. (Cable, DSL, ISDN or T1 connection).

PC Requirements

- Pentium Processor with 20 MB of free hard drive space
- 64 MB RAM (or higher) recommended

Operating Systems Supported

- Microsoft Windows 95
- Microsoft Windows 98
- Microsoft Windows NT with service pack 4.0 or higher
- Microsoft Millennium
- Microsoft Windows 2000

Email Clients Supported

- Microsoft Outlook 97 (Corporate or Workgroup)
- Microsoft Outlook 98 (Corporate or Workgroup)
- Microsoft Outlook 2000 (Corporate or Workgroup)
- Microsoft Outlook 2002 (Corporate or Workgroup)
- Outlook Express version 4.0 and later*
- Netscape Communicator 4.x, where x is 5 or greater*
- Eudora version 5.0 and later*

* Must be set up as POP3 account.

Other System Requirement

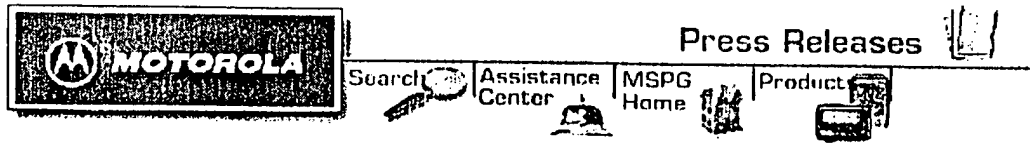
- Microsoft Internet Explorer 4.0 or higher

Support:

- View the User Manual
- See FAQ's

Back to top

Purchase On-Line Terms and Conditions
Legal Terms and Conditions.Privacy Practices.
Copyright ©1999-2001. Motorola, Inc. All rights reserved.



Editorial contact:
Jo Posti
Motorola, Inc.
+1 561 739-2089

MOTOROLA ANNOUNCES NEW SOLUTIONS TO PROVIDE CONSUMERS WITH WIRELESS ACCESS TO PERSONAL AND ENTERPRISE E-MAIL ACCOUNTS

Consumers Can Now Remotely Manage E-Mail Accounts On Motorola Handheld Devices With Motorola MyMail™

LAS VEGAS, *March 21, 2001* -- Motorola (NYSE: MOT) today announced the development of Motorola MyMail™, a suite of mobile e-mail solutions that offer remote, synchronized access and customizable management of personal or corporate e-mail accounts via its 2-way messaging products. The three versions of Motorola MyMail are MyMail Desktop, for individual consumers and SOHO users; MyMail Desktop Plus, developed for business users in need of PDA/PIM support; and MyMail Enterprise, formally known as emailVClient™, an in-house server solution with superior security. MyMail Enterprise is currently available and MyMail Desktop and Desktop Plus are expected to be available in Q2 2001. Motorola MyMail solutions provide users a rapid and transparent connection to their e-mail on-the-go, via the Talkabout® model T900 or Timeport™ model P935 2-way text messaging products.

"With the introduction of Motorola MyMail, Motorola is fulfilling a strong consumer demand by offering low-cost, customized wireless e-mail solutions for all users in need of direct wireless access to their e-mails," said Miguel Pellon, vice president and general manager, Wireless Messaging, Personal Communications Sector, Motorola. "These solutions allow users to stay connected, and eliminate the need to sort through e-mails on their computers after they were already managed wirelessly, increasing productivity and improving time management."

Each version of the Motorola MyMail solution solves the needs of a specific target market. MyMail Desktop is ideal for users who are looking for a 24x7 connection to friends, family, colleagues and business associates. Desktop Plus is the choice for businesspeople who require PIM/PDA functionality, security for sending confidential messages and the ability to synchronize their wireless devices with desktop services to stay up-to-date with appointments. Finally, the Enterprise server-based solution, formally known as emailVClient, is the perfect solution for large businesses requiring internal control, a higher level of security and encryption of messages, PIM/PDA synchronization capabilities and enterprise-specific wireless applications.

The Motorola MyMail suite of solutions provides users with the following benefits:

- Remote e-mail actions are automatically reflected on the user's desktop PC.
- E-mails originated from the wireless device will insert the personal or enterprise address into the "from" field.
- Users of Motorola MyMail Desktop and MyMail Desktop Plus can customize remote management of personal and enterprise e-mail accounts, whenever the desktop computer is connected to the Internet.
- Motorola MyMail Enterprise will automatically forward messages, whether or not the PC is turned on. Users can set filters so that they receive only those messages that they want.
- With Motorola MyMail Desktop and Desktop Plus, e-mail can be queried by issuing a "catch-up" command when Internet service has been turned off.
- Users of MyMail Desktop Plus can configure desktop options to store, find and send contact information, tasks and schedules.
- E-mail commands allow users to view as little or as much of a message as they wish, as well as block messages and view where e-mails originate.
- Real-time transmission to the wireless device.

Pricing and Availability Motorola MyMail software solutions are expected to be available in Q2 2001 for both the Talkabout T900 and Timeport P935. MyMail Desktop for the Talkabout T900 will retail for $29.95; MyMail Desktop for the Timeport P935 will retail for $39.95; and MyMail Desktop Plus for the Talkabout T900 and Timeport P935 will retail for $49.95. Pricing and availability for MyMail Enterprise, formerly known as emailVClient, as well as additional information on MyMail Desktop and Desktop Plus, can be found at http://www.motorola.com/mymail.

About the Motorola Talkabout T900 2-way Messaging Device The Talkabout T900 2-way messaging device offers low-cost two-way wireless messaging capabilities. The compact, keyboard-based device enables users to send and receive text messages and Internet e-mail – as well as request up-to-date information from the World Wide Web – all from the palm of a hand. The Motorola Talkabout T900 2-way retails for as low as $99 with rebate.

About the Motorola Timeport P935 Personal Interactive Communicator For the mobile business community who rely on the ability to function and stay connected while on-the-go, Motorola's Timeport P935 2-way offers remote access to a wide range of customized information. In addition to two-way messaging and personal information management (PIM) features, the Timeport P935 delivers powerful add-on software applications created to enable the mobile professional to make informed decisions and maintain a level of optimum productivity. Motorola's Timeport P935 2-way retails for under $400.

About Motorola's MAGNET Program The Motorola Applications Global NETwork (MAGNET) program supports the development and commercialization of wireless applications by providing software application developers with the necessary tools, training, resources and services to bring solutions to a market-ready status. For more information on the MAGNET program, visit www.motorola.com/developers/wireless.

About Motorola Motorola Inc. (NYSE: MOT) is a global leader in providing integrated communications and embedded electronic solutions. Sales in 2000 were $37.6 billion. For more information on Motorola, please visit our Web site at www.motorola.com.

MOTOROLA, the Stylized M Logo and all other trademarks indicated as such herein are trademarks of Motorola Inc. {R} Reg. U.S. Pat. & Tm. Off. © 2001 Motorola, Inc. All rights reserved.
© Copyright 2001 Motorola, Inc. All Rights Reserved.
Last updated: March 21, 2001

b Messaging

wireless email | pricing | business solutions | products | needs analysis

Control your e-mail from the palm of your hand with any one of the Motorola MyMail Solutions – either Desktop, Desktop Plus, or Enterprise.

Maintain access to the e-mail you want to receive without having to dial in. Respond immediately. Use your existing e-mail address. And don't stop there! Load fully programmable applications based on your unique communication needs.

Convenient and easy to use, the MyMail Suite helps you stay organized, productive, and in control.

MyMail Desktop ... *Basic email for the home office.*
Designed for SOHO professionals to wirelessly originate, read, reply and delete e-mails sent to their desktop PC. MyMail Desktop is efficient and easy to use.

Email Clients Supported:

Microsoft Outlook 97
Microsoft Outlook 98
Microsoft Outlook 2000
Microsoft Outlook 2002
Outlook Express version 4.0 and later*
Netscape Communicator 4.x, where x is 5 or greater*
Eudora version 5.0 and later*
* Must be set up as POP3 account

(Available for Talkabout® T900 2way and Timeport™ P935 Personal Communicator)

MyMail Desktop Plus ... *Email, plus PIM functionality at all levels.*
Designed for the business user who needs PIM/PDA functionality, Desktop Plus forwards appointment, address book and task information from your PC to your 2way or Personal Communicator. It also allows users to initiate a file search from their wireless device and forward the file to another e-mail address.

Email Clients Supported:

Microsoft Outlook 97
Microsoft Outlook 98
Microsoft Outlook 2000
Microsoft Outlook 2002
Outlook Express version 4.0 and later*
Netscape Communicator 4.x, where x is 5 or greater*
Eudora version 5.0 and later*
* Must be set up as POP3 account

(Available for Talkabout® T900 2way and Timeport™ P935 Personal Communicator)

MyMail Enterprise ... *Provides full integration into the Enterprise and allows for easy adaptation to other productivity tools.*
Known also as emailVClient, MyMail Enterprise gives large corporations a variety of high level business tools and capabilities, such as:

- Maintaining control and security through an in-house server.
- Sending secure message with end-to-end encryption.
- Taking advantage of complete PIM/PDA synchronization ability.
- Designing enterprise-specific wireless applications that allow users to access information from corporate servers.
- Compatible with Lotus Notes®, Microsoft Exchange®, Netscape Enterprise Mail™ and IMAP-4-based systems.

(Available for Timeport™ P935 Personal Communicator)

CONTACT US | MOTOROLA.COM | PRESS RELEASES | LEGAL | PRIVACY | HOME

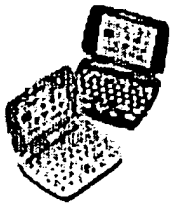
Motorola Enterprise Solutions

Hardware

(US$)

Here's our suggested list hardware pricing, but keep in mind that a qualified partner will provide you with more accurate pricing based on your business needs!

Timeport™ P935 Personal Communicator	$395.00



Talkabout® T900 2way	$179.00

Email Software

MyMail Desktop for Talkabout® T900 2way	$29.95
MyMail Desktop for Timeport™ P935 Personal Communicator	$39.95
MyMail Desktop Plus for Talkabout® T900 2way	$49.95
MyMail Desktop Plus for Timeport™ P935 Personal Communicator	$49.95

MyMail Enterprise for Timeport™ P935 Personal Communicator $2,500.00

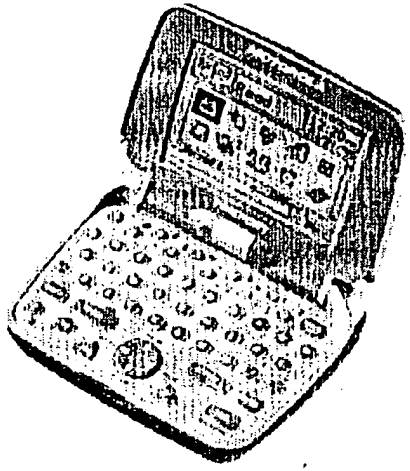
(Includes base server with 25 seats)
Compatible with Lotus Notes®, Microsoft Exchange®,
Netscape Enterprise Mail™ and IMAP-4-based systems.

Airtime / Service Costs

Motorola's Timeport™ P935 Personal Communicator is available through your local paging service provider. Service costs start below $20 US with airtime packages designed to fit your exact needs!

Personal Communicators

Timeport™ P935 Personal Communicator



Available in United States and Canada

With 4.5 MB** of memory, this powerful two-way texting device, with the powerful Wisdom™ operating system, communicates wirelessly with one-way pagers, other two-way devices, internet email* and fax* machines, and offers full-featured PIM applications. Beam your business card and event information to other PDAs, synchronize your data with a number of popular desktop PIMs*, and add applications that suit your individual needs.

Upgrade your existing PageWriter™ 2000X or Timeport™ P930 to Timeport P935 capability. The software upgrade for Timeport P935 gives you the enhanced ability to control your communications with support for desktop synchronization, increased memory, improved PIM applications, IrDA capability, and significant usability improvement.

*Network and subscription dependent feature. Not available in all areas.

**2MB for applications and data. Future software may change memory configuration.

Interactive Product Demo

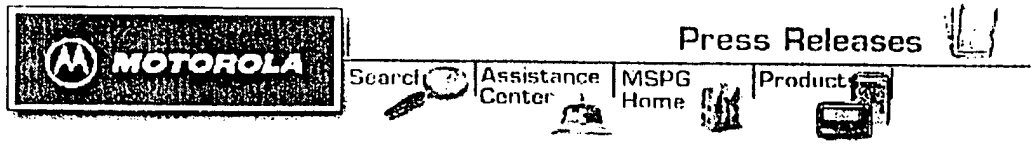
Accessories | Buy Online | Software Upgrade CD | Motorola MyMail | Compare Features and Specs | Software

, Motorola, PageWriter, , FLEX, and ReFLEX are trademarks or registered trademarks of Motorola, Inc.

For more information on any product, please visit the Motorola Consumer Online Support Center.

© Copyright 2000, 2001 Motorola, Inc. All Rights Reserved.

Last updated: April 16, 2001



Editorial contact:
Jo Posti
Motorola, Inc.
+1 561 739-2089

Elizabeth Tobey
Hill & Knowlton
+1 323 966 5639

MOTOROLA SHIPS ONE MILLIONTH TALKABOUT® T900 2-WAY TEXT MESSAGING DEVICE

Popularity of Motorola Device Signals Strength of Two-Way Messaging Market

Boynton Beach, Florida, *July 2, 2001* -- Motorola (NYSE: MOT) today announced the shipment of the one millionth Talkabout® T900 2-Way text messaging device, less than a year following its introduction. The compact and colorful Talkabout T900 was the first member of Motorola's expansive two-way messaging product assortment designed specifically for consumers and is leading the unprecedented growth of the two-way messaging industry in the U.S.

"We aren't surprised at the success of the Talkabout T900 and have believed two-way messaging would be a hot solution for consumers ever since we developed the world's first two-way text messaging device in 1995," said Miguel Pellon, vice president and general manager of the Wireless Messaging Division, Motorola. "Today we continue to shape the future of two-way messaging with groundbreaking technology and innovative messaging products to suit the lifestyles of all consumers, from the trend-wise V.Series Personal Communicator Model 100 to the business-minded Accompli 009."

The Talkabout T900, which operates on Motorola's superior ReFLEX® protocol, allows users to exchange messages with any e-mail address – whether it's from another 2-way device, other mobile device or a PC. With its four-line, 80-character QWERTY keyboard and illuminated display, the Talkabout T900 makes it easy to both send and read messages. In addition, the Talkabout T900's "Info-on-Demand" feature enables users to request and receive customized information from the Internet including movie show times, headline news, the latest weather forecast and stock quotes. And, a built-in address book stores the contact information of 250 friends, family and coworkers – all this in a package weighing less than four ounces and about the size of a large pack of gum. The Talkabout T900 retails for as low as $99 with carrier

rebate.

Now Access Desktop E-mail, Instant Message (IM) and More New developments for the Talkabout T900 now make it possible for users to manage their personal and desktop e-mail accounts, access their Hotmail, MSN or EarthLink e-mail accounts, and send and receive Instant Messages (IMs) – all from the Talkabout T900.

Motorola recently introduced Motorola MyMail for the Talkabout T900 to improve e-mail management for both personal and business accounts. Motorola MyMail makes it possible to read, reply to and delete messages received to personal and desktop e-mail accounts wirelessly with the Talkabout T900. Additionally, this solution will insert the personal or enterprise address into the "from" field of messages initiated from the wireless device – creating a truly seamless e-mail connection.

Motorola and MSN have joined forces to offer two wireless, on-the-go e-mail services. The first is a wireless e-mail package that allows users to respond to, forward and initiate Hotmail messages from their Talkabout T900. The second is an IM device that allows Hotmail users to "instant message" their Hotmail IM contacts with their Talkabout T900.

Additionally, EarthLink subscribers can now send and receive EarthLink e-mail messages from Talkabout T900s purchased on the EarthLink Web site. EarthLink subscribers can direct their existing EarthLink e-mail accounts to be delivered to their Talkabout T900, where they can reply to, forward, delete and store e-mails.

A Family of Products for Every Person in the Family Beginning with basic two-way messaging with the Talkabout T900, Motorola recognizes consumers and business people have a variety of communication needs and offers an extensive portfolio of two-way messaging products to fill those needs.

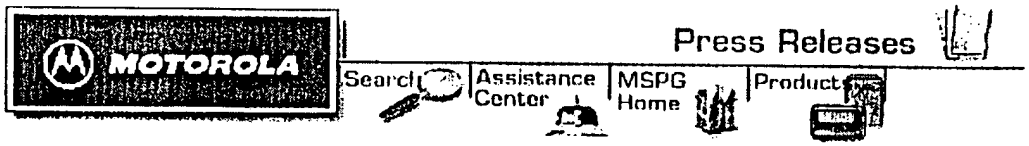
The Timeport™ Personal Communicator Model P935 is the ultimate tool for the fast-paced businessperson. The Timeport P935 combines two-way text messaging communications with an address book, appointment organizer and remote business office. Send and receive e-mail, exchange messages with other two-way personal communicators, send group messages, access server-based information and beam contacts and appointments to other devices – all from one compact unit. Motorola MyMail is also available for the Timeport P935 allowing users an on-the-go wireless connection to friends, family, colleagues and business associates. The Timeport P935 has a manufacturers suggested retail price of $399.

For the fashion-conscious consumer who needs an all-in-one and feature-packed product that will keep them connected, Motorola's recently introduced the V.Series Personal Communicator Model 100 that allows consumers to select the way they connect – whether it's through a phone call, a discreet SMS message or an e-mail. The V.Series V100 features a full QWERTY keyboard and oversize display for fast and easy text messaging, plus a full-featured wireless phone. The V.Series V100 is currently available through VoiceStream for $199. For the globetrotting businessperson, the ultimate multi-tasking tool is the AccompliTM Personal Communicator Model 009, which provides constant accessibility to colleagues, clients and customers via wireless email, SMS or phone functionality. The Accompli 009 is the first wireless communications device to incorporate both tri-band GSM and GPRS protocols, phone functionality, Internet access, e-mail and short message

service (SMS) with a full QWERTY keyboard and 256-color screen. The Accompli 009 is scheduled to debut this August.

About Motorola Motorola Inc. (NYSE: MOT) is a global leader in providing integrated communications and embedded electronic solutions. Sales in 2000 were $37.6 billion. For more information on Motorola, please visit our Web site at www.motorola.com.

© Copyright 2001 Motorola, Inc. All Rights Reserved.
Last updated: July 2, 2001



Editorial contact:
Jo Posti
Motorola, Inc.
+1 561 739-2089

Christine Schmitz
Hill & Knowlton
323-966-5639

MOTOROLA MESSAGING DIVISION LAUNCHES B2B WEB SITE

Feature-Rich Site Brings Resources and Information about Wireless Communication Solutions to Motorola's B2B Partners and Customers

Boynton Beach, Florida, *July 30, 2001* -- Motorola Inc. (NYSE: MOT) today announced the official launch of a Web site devoted entirely to its business-to-business wireless messaging solutions. The Web site, www.motorola.com/messaging/solutions, is part of Motorola's new national campaign to offer business partners and customers enhanced access to end-to-end wireless messaging products, such as the powerful Timeport® P935 two-way messaging device, and e-mail services, such as the recently launched Motorola MyMail suite of wireless e-mail solutions.

The business-to-business Web site, developed by ChannelWave Software Inc., a leader in Partner Relationship Management (PRM) solutions, provides a variety of services, including up-to-date information on Motorola's wireless messaging solutions, improved sales support and an upcoming online product training and certification program. The site is an ideal communication and sales tool for Motorola and their qualified channel partners. At www.motorola.com/messaging/solutions Motorola's channel partners combine their expertise to deliver customized solutions and create a unified team selling experience that provides maximum benefits to customers.

"The development of Motorola's B2B Web site is an integral part of our campaign to provide our customers with the wireless communication solutions that best fit their business needs," said Miguel Pellon, vice president and general manager of the Wireless Messaging Division, Motorola. "This site will deliver instant access to the latest messaging solutions and allows us to provide specialized support to all of our customers and partners."

In addition to www.motorola.com/messaging/solutions, Motorola recently launched a new series of ads to promote their national business

campaign. Advertisements have been included in both print and online outlets, running in newspapers such as the Wall Street Journal and USA Today, and highlighting Motorola's wireless e-mail solutions by featuring the Timeport® P935 two-way messaging device, and Motorola's MyMail wireless e-mail suite.

About Motorola Motorola, Inc. (NYSE: MOT), is a global leader in providing integrated communications and embedded electronic solutions. Sales in 2000 were $37.6 billion. For more information on Motorola, please visit our Web site at http://www.motorola.com.

About ChannelWave Founded in 1997, ChannelWave develops market-leading Partner Relationship Management (PRM) solutions that help organizations to reduce costs and increase sales revenues and profits by improving the loyalty and effectiveness of their business partnerships. By automating and scaling business processes between vendors and selling partners, ChannelWave enables businesses to effectively manage multiple sales channels and foster collaboration among partners to better market, sell and service end-customers. Backed by leading venture capital firms including ABS Capital Partners, Blue Rock Capital, Lazard Technology Partners, MF Private Capital and SOFTBANK, ChannelWave's growing customer roster includes 3Com, AT&T, BEA, Hewlett Packard, Honeywell, Motorola, Nortel Networks, PTC, Toshiba and Qwest. ChannelWave is headquartered in Cambridge, MA, and has offices in San Jose, CA and Toronto, Canada. More information is available at www.channelwave.com or by calling (800) 862-5596.

MOTOROLA, the Stylized M Logo and all other trademarks indicated as such herein are trademarks of Motorola, Inc. © Reg. U.S. Pat. & Tm. Off. 2000 Motorola, Inc. All rights reserved. Printed in the U.S.A.
© Copyright 2001 Motorola, Inc. All Rights Reserved.
Last updated: July 30, 2001

Editorial contact:
Jo Posti
Motorola, Inc.
+1 561 739-2089

Elizabeth Tobey
Hill & Knowlton
+1 323 966 5639

MSN, Motorola and Arch Wireless to Offer Branded Mobile Communications Service

Users of MSN Hotmail and MSN Messenger Service Offered an Easy Way to Stay Connected Anywhere, Any Time

LAS VEGAS, *March 20, 2001* -- The MSN® network of Internet services, a division of Microsoft Corp., together with Motorola Inc. and Arch Wireless Inc., a leading wireless Internet messaging and mobile information provider, today announced an agreement to provide consumers with access to the popular MSN Hotmail® and MSN Messenger Service communications services, as well as additional content from MSN Mobile, on Motorola's wireless messaging device, the Talkabout® model T900 2-way.

The relationship brings together three leaders in the communications and services industries to expand consumers' choices with the development of a new on-the-go wireless communications solution for anytime, anywhere access, based on network availability. This new MSN Mobile messaging solution enables the millions of users of the MSN Hotmail Web-based e-mail service and MSN Messenger in the United States to communicate and stay connected. "This solution is perfect for anyone that wants an affordable, wireless way to stay connected to family and friends" said Yusuf Mehdi, vice president of MSN. "And teenagers are going to love it! This device is perfectly suited for the way they communicate."

MSN, Motorola and Arch Wireless will be offering an MSN-branded wireless e-mail solution that will allow users to send and receive MSN Hotmail messages and a wireless instant messaging solution that will allow users to communicate with their MSN Messenger contacts using their Motorola Talkabout T900 2-way messaging device. This service, available in the United States only, will use Arch's nationwide two-way network, which currently covers every major market, scheduled to start in the second half of the year. MSN and Arch Wireless have entered into a marketing agreement to distribute these MSN-branded devices over the next three years.

"We are excited about this new relationship among MSN, Motorola and Arch Wireless," said Mike Pellon, vice president and general manager of Wireless Messaging at Motorola. "E-mail and instant messaging have been the 'killer apps' on the Internet. This relationship will enable users of MSN to untether themselves from their PCs while retaining all the online functionality."

"As a result of this agreement, soon millions of users of MSN Hotmail and MSN Messenger will have the opportunity to experience the virtues of Arch's two-way wireless messaging network based on Motorola's ReFlex® protocol," said C. Edward Baker Jr., chairman and CEO of Arch Wireless. "Our two-way network, one of the most ubiquitous and reliable networks in the country for data communications, provides users with the ability to communicate wirelessly anytime and virtually anywhere in the United States while receiving the high-quality functionality they experience online at the desktop. We're extremely pleased that MSN has chosen to work with Arch Wireless."

MSN Hotmail has more than 90 million active users, and it was recently announced that MSN Messenger is the No. 1 free instant messaging service in the world, with over 29.5 million users.

The Motorola Talkabout T900, a lightweight, pocket-sized wireless device with a four-line display screen and full QWERTY keyboard that makes reading and composing messages easy, is the leading consumer-targeted two-way text messaging device that has shipped more than 850,000 units in the United States since its introduction last year.

Using the Motorola Talkabout T900, users of MSN will be able to access their MSN Hotmail and MSN Messenger accounts from the palm of their hand, where they can read, reply to, forward, delete and store e-mail messages, and engage in real-time conversations on MSN Messenger.

About Motorola

Motorola Inc. (NYSE "MOT") is a global leader in providing integrated communications and embedded electronic solutions. Sales in 2000 were $37.6 billion. More information can be found at Motorola's company Web site: http://www.motorola.com/.

About Arch Wireless

Arch Wireless Inc. (NASDAQ: Arch), headquartered in Westborough, Mass., is a leading two-way wireless Internet messaging and mobile information company with operations throughout the United States. The company offers a full range of wireless messaging services, including wireless e-mail, two-way mobile data and paging. It provides local, regional and nationwide wireless services to customers in all 50 states, the District of Columbia, Puerto Rico, Canada, Mexico and the Caribbean. Additional information on Arch is available on the Internet at http://www.arch.com/.

About MSN

MSN gives consumers a new home on the Internet — a central place where they can get everything they need from the Web and make the most of their time online. With more than 230 million visitors per month, the MSN integrated network of content and services is the most popular destination on the Internet. MSN is available in 33 markets and in 17 languages — a broader global presence than any other network. MSN takes advantage of the Microsoft® .NET platform to offer leading services, any time, any place and on any device, with an integrated and personalized user experience for communications, search, shopping, personal finance and entertainment. MSN Internet Access and the recently introduced MSN Explorer offer quick, personal and exciting ways to get on to and take advantage of the Web. Best-of-breed services include the MSN Hotmail Web-based e-mail service, the world's largest Web-based e-mail system; MSN Messenger Service, one of the fastest-growing instant messaging services on the Web; MSN Search, the second most popular online search service; MSN Mobile, the customizable wireless information service; the award-winning MSN MoneyCentral™ online personal finance guide; MSN eShop, the one-stop online shopping resource; and MSN Custom Web Sites, the easy way to share information on the Web. MSN is located on the Web at http://www.msn.com/.

About Microsoft

Founded in 1975, Microsoft (Nasdaq "MSFT") is the worldwide leader in software, services and Internet technologies for personal and business computing. The company offers a wide range of products and services designed to empower people through great software — any time, any place and on any device.

Microsoft, MSN, Hotmail and MoneyCentral are either registered trademarks or trademarks of Microsoft Corp. in the United States and/or other countries. © 2001 Microsoft Corp. MOTOROLA, the Stylized M Logo and all other trademarks indicated as such herein are trademarks of Motorola Inc. {R} Reg. U.S. Pat. & Tm. Off. © 2001 Motorola, Inc. All rights reserved. Printed in the U.S.A. Other product and company names herein may be trademarks of their respective owners.

© Copyright 2001 Motorola, Inc. All Rights Reserved.

Last updated: March 20, 2001

Editorial contact:
Jo Posti
Motorola, Inc.
+1 561 739-2089

Mark Mills
Communication Concepts, Inc.
954-970-1993

Motorola Establishes Reseller Ties With Communication Concepts, Inc. to Deliver Cutting-Edge Wireless-Enabled Banking Applications

Relationship Provides Financial Institutions with Mobile Access to Wired Business Applications

Boynton Beach, Florida, *March 5, 2001* -- Motorola (NYSE:MOT), a global leader in integrated communications solutions, and Communication Concepts, Inc. (CCI), a Florida-based systems integrator, today announced an alliance that leverages Motorola's leading wireless messaging products and services with CCI's system integration and networking expertise to deliver secure, wireless applications for the banking and financial services industries. Utilizing Motorola's Timeport™ P935 personal interactive communicator, Motorola Messaging Server™ and emailVClient™ encrypted wireless e-mail software, CCI has developed a customized networking platform that will allow banks and financial services institutions to enhance client and employee service by allowing customers and business partners remote, wireless access to core business offerings.

Under the VAR agreement, CCI will utilize Motorola's technology and training support to deliver a robust and secure, wireless e-mail solution for wireless banking and financial industry applications at southern community banks. CCI has worked with Motorola since 1994. Using Motorola's wireless e-mail solution, CCI will offer its banking and financial customers secure wireless access to their host functions via the Timeport P935 personal communicator. For example, the solution will allow banking customers to check account balances and transactions, while financial service customers can look up mortgage information and interest rates or check the status of credit approval applications using Internet-connected handheld wireless devices.

"Our relationship with CCI highlights Motorola's ability to incorporate a compelling new delivery channel into a significant vertical market. We are thrilled to work with CCI, who will ensure our business objectives are mirrored in the project management and communication

service it will bring to its financial industry customers," said Miguel Pellon, vice president and general manager, Wireless Messaging, Personal Communications Sector, Motorola.

"Since Motorola has consistently delivered leading-edge wireless technology for businesses looking to expand their wireless portfolio of products and services, it seemed only natural that CCI would want to utilize such a solution for its banking and financial industry customers," said Tim Halleran from CCI. "The added security features of Motorola's wireless solution played a key role in our decision to provide the Motorola solution to our financial customers, since the solution is a perfect match for the high security needs of our financial industry customers."

About Motorola Messaging Server: As part of a comprehensive line of platform software designed to enable scalable, personalized, and non-intrusive wireless and wireline communications, the Motorola Messaging Server manages the distribution of messages to subscribers in accordance with individual subscriber needs. Motorola's Messaging Server's open platform allows integration of existing and new messaging devices, while providing users with complete control.

About the Motorola Timeport P935: For the mobile business community who rely on the ability to function and stay connected while on the go, Motorola's Timeport P935 personal interactive communicator (PIC) offers remote access to a wide range of customizable information. In addition to two-way messaging and personal information management (PIM) features, the Timeport P935 PIC delivers powerful add-on software applications created to enable the mobile professional to make informed decisions and maintain a level of optimum productivity.

About emailVClient: Send and receive enterprise e-mail from the road just like from a desktop PC. Providing mobile users with the freedom to stay connected to their office email through the Timeport P935, emailVClient software enables access to Lotus Notes, Netscape Enterprise Mail, Microsoft Exchange and IMAP email systems. The ability to originate, receive and forward e-mail messages, as well as filter messages by sender, subject or content, provides Timeport P935 users with enhanced flexibility – making them more accessible and productive.

About Motorola Motorola Inc. (NYSE: MOT) is a global leader in providing integrated communications and embedded electronic solutions. Sales in 2000 were $37.6 billion. For more information on Motorola, please visit our Web site at www.motorola.com.

About Communication Concepts, Inc. Communication Concepts (CCI) is a Systems Integrator that provides turnkey solutions to a wide variety of industries. The scope of products and services provided include wireline to wireless solutions, carrier access, LAN/WAN hardware connectivity, Client/Sever solutions, remedial on-site maintenance and network design/optimization consulting services. Further information regarding Communication Concepts Inc. can be found at its Web site: http://www.comconcepts.com.

© Copyright 2001 Motorola, Inc. All Rights Reserved.
Last updated: March 5, 2001

UNITED STATES 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 10-04

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

COPY MAILED

OCT 21 2004

OFFICE OF PETITIONS

In re Application of :
Edmund Y.M. Chen : DECISION ON PETITION
Application No. 09/782,015 : UNDER 37 CFR 1.78(a)(3)
Filed: 12 February, 2001 :
Atty Docket No. 000115P002D :

This is a decision on the petition filed on 1 September, 2004, which is treated as a petition filed under 37 CFR § 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of the prior-filed nonprovisional application set forth in the amendment embodied in the petition filed on 1 September, 2004.

The petition is **DISMISSED AS MOOT**.

The current procedure where a claim for priority under 37 CFR 1.78(a)(3) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR 1.78(a)(2)(ii). However, on the other hand, if the USPTO does not note the claim for priority to the prior-filed application(s) set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to

accept a late claim for priority under 37 CFR 1.78(a)(3).[1] In the instant case, the Office noted the claim for priority of the prior-filed application in the transmittal letter filed with the application, as shown by its inclusion on the filing receipt.

In view of the above, the $1,330.00 petition fee submitted is unnecessary. The petition fee will be refunded to counsel's deposit account, No. 02-2666, as authorized in the present petition.

Any questions concerning this decision on petition may be directed to Senior Petitions Attorney Douglas I. Wood at 571.272.3231. All other inquiries concerning either the examination process or status of the application should be directed to the Technology Center.

The application is being forwarded to Technology Center AU 1654 for further processing.

Frances Hicks

Frances M. Hicks
Lead Paralegal
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] *Note* MPEP 201.11 (V), page 200-75 (Rev. 1. Feb. 2004 and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

United States Patent and Trademark Office

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

Paper No. 5

FEB 22 2002

Robert E. Bushnell
1522 K Street NW, Suite 300
Washington, DC 20005-1202

In re Application of)
MOON et al.)
Application No. 09/782,089) DECISION ON PETITION
Filed: February 14, 2001)
For: INK-JET PRINTHEAD)

This is a decision on the petition filed on January 8, 2002 to reset the period for reply to an Office action due to late receipt of the action.

The petition is **GRANTED**.

Petitioner states the date of receipt of an Office action at the correspondence address was January 8, 2002. The petition includes a copy of the cover sheet of the Office action of December 12, 2001 having a date of receipt of "JAN - 8 2002" stamped thereon.

The petition complies with MPEP 710.06 in that (A) the petition was filed within 2 weeks of the date of receipt, (B) a substantial portion of the set reply period had elapsed on the date of receipt, and (C) the petition includes (1) evidence showing the date of receipt of the Office action at the correspondence address and (2) a statement setting forth the date of receipt and explaining how the evidence provided establishes the date of receipt of the Office action at the correspondence address. Accordingly, **the shortened statutory period of one (1) month is hereby restarted from the date of receipt of January 8, 2002.**

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

Hien H. Phan, Special Program Examiner
Technology Center 2800 - Semiconductors, Electrical
and Optical Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 7

SONY ELECTRONICS INC.
INTELLECTUAL PROPERTY DEPARTMENT
123 TICE BOULEVARD - MD T1-1
WOODCLIFF LAKE, NJ 07677-8402

COPY MAILED

JAN 2 3 2004

OFFICE OF PETITIONS

In re Application of :
Neal Jacob Manowitz, et. al. :
Application No. 09/782,067 : ON PETITION
Filed: February 12, 2001 :
Attorney Docket No. 50P3840.01 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 12, 2004, to revive the above-identified application.

A review of the record discloses that on March 15, 2001, a Notice to File Missing Parts of Application (Notice) was mailed, setting a two (2) month period for reply. The Notice required (1) an executed oath or declaration, (2) the $130 surcharge for the late filing of the oath/declaration and (3) substitute drawings in compliance with 37 CFR 1.84. Since no response was filed, the application became abandoned after midnight May 15, 2001. A Notice of Abandonment was mailed on October 20, 2003. In response on January 12, 2004, an executed declaration, including the $130 surcharge, and the present petition were filed.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The petition is **DISMISSED**.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (**1**) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (**2**) the petition fee required by 37 CFR 1.17(m); (**3**) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b)

was unintentional; and (**4**) a terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (1) above.

While the Office acknowledges receipt of the executed declaration and the $130.00 surcharge on January 12, 2004, petitioner did not submit the substitute drawings in compliance with 37 CFR 1.84, as required by the Notice mailed March 15, 2001. Consequently, the above-identified application cannot be revived until the substitute drawings are filed.

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 the missing items noted above. Petitioner is advised that this is not a final agency decision.

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

The centralized facsimile number is (703) 872-9306.

Any questions concerning this matter may be directed to the undersigned at (703) 305-9220.

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

cc: RICHARD H. BUTLER
5655 SILVER CREEK VALLEY ROAD, #106
SAN JOSE, CA 95138

UNITED STATES 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

Richard H. Butler
Valley Oak Law
5655 Silver Creek Valley Road, #106
San Jose, CA 95138

COPY MAILED

MAR 29 2004

OFFICE OF PETITIONS

In re Application of
Neal Jacob Manowitz, et al.
Application No. 09/782,067
Filed: February 12, 2001
Attorney Docket No. 50P3840.01

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 24, 2004, to revive the above-identified application.

The petition, as supplemented, is found to be in compliance with the requirements of 37 CFR 1.137(b). Accordingly, the petition is **GRANTED**.

In view of the above, the application is being returned to the Office of Initial Patent Examination (OIPE) for further processing.

Telephone inquires related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

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

Mintz Levin Cohn Ferris Glovsky & Popeo
666 Third Avenue
New York, NY 10017

COPY MAILED

FEB 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Jonathan S. Stamler	:	
Application No. 09/782,077	:	ON PETITION
Filed: February 14, 2001	:	
Attorney Docket No. 28195-502 CIP	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 5, 2005, 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 referred to Technology Center 1600 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

SPE. Darren Schuberg
72501

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 09/782,087

Paper No.: _____

DATE : 5/12/05

TO SPE OF : ART UNIT 2834

SUBJECT : Request for Certificate of Correction on Patent No.: 6700311

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

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

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

Lamonte Newsome
Certificates of Correction Branch

Thank You For Your Assistance

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

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

Comments:

DARREN SCHUBERG
SUPERVISORY PATENT EXAMINER
~~TECHNOLOGY CENTER 2800~~
SPE

2834
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
www.uspto.go

Paper No. 12

David B. Cochran, Esquire
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114

MAIL

JUN 10 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Mihal Lazaridis et al.)
Application No. 09/782,107)
Filed: February 13, 2001)
For: SYSTEM AND METHOD FOR PUSHING INFORMATION FROM A HOST SYSTEM TO A MOBILE DATA COMMUNICATIONS DEVICE)

DECISION ON PETITION UNDER M.P.E.P. §708.02(II): INFRINGEMENT

This is a decision on the petition, filed May 4, 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
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. 4

David B. Cochran, Esquire
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114

MAIL

JUN 0 7 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Gary Mousseau et al.)
Application No. 09/782,129)
Filed: February 13, 2001)
For: SYSTEM AND METHOD FOR PUSHING INFORMATION FROM A HOST SYSTEM TO A MOBILE DATA COMMUNICATIONS DEVICE)

DECISION ON PETITION UNDER M.P.E.P. §708.02(II): INFRINGEMENT

This is a decision on the petition, filed May 4, 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
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. 13

Arnold & Porter
555 Twelth Street, N.W.
Washington, DC 20004-1206

COPY MAILED

DEC 23 2002

OFFICE OF PETITIONS

In re Application of Vic :
Vic C. Knauf et al. :
Application No. 09/782,130 : ON PETITION
Filed: February 12, 2001 :
Attorney Docket No. 16518.052 :

This is a decision on the petition under 37 CFR 1.137(b), filed, October 22, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed May 11, 2001, which set a period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on July 12, 2001.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

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

Latrice Bond

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

APR 21 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Paper No. 11

Katherine D. Lee
MORRISON & FOERSTER LLP
425 Market Street
San Francisco, CA 94105

In re Application of:
Clifford A. Reid
Application No. 09/782,172
Filed: February 12, 2001
For: LIVE NAVIGATION WEB-CONFERENCING SYSTEM AND METHOD

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed April 12, 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 filed April 12, 2004 meets all the requirements. Accordingly 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.

James R. Matthews

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

cc: Matthew R. Osenga, Patent Attorney
WINSTON & STRAWN
1400 L Street, N.W.
Washington, DC 20005-3502

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)
6899625	2005-05-31	09782177	2001-02-12	GAM-01-002

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

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

	Fee	Code
◉	3 ½ year	(1551)
○	7 ½ year	(1552)
○	11 ½ year	(1553)

Small Entity

	Fee	Code
○	3 ½ year	(2551)
○	7 ½ year	(2552)
○	11 ½ year	(2553)

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/mhein/	Date (YYYY-MM-DD)	2009-07-14
Name	Marvin A. Hein	Registration Number	63376

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. 6899625
Issue Date: May 31,2005
Application No. 09782177
Filed: February 12,2001
Attorney Docket No. GAM-01-002

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

This is a decision on the electronic petition, filed July 14,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 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 14,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

COPY MAILED

MAY 24 2004

OFFICE OF PETITIONS

In re Application of :
Zhu et al. :
Application No. 09/782,185 : DECISION ON
Filed: February 12, 2001 : PETITION
Attorney Docket No. LAM1P147/P0675 :

This is a decision on the "PETITION TO REVIVE UNAVOIDABLY ABANDONED APPLICATION OR LAPSED PATENT (37 CFR 1.137(a))," filed March 30, 2004.

The petition under § 1.137(a) is **DISMISSED**.

The petition under § 1.137(b) is **GRANTED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision[1]. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)." Extensions of time are permitted under § 1.136(a).

The above-identified application became abandoned for failure to timely pay the required issue fee within the statutory period of three (3) months from the mailing date, November 7, 2003, of the Notice of Allowance and Fee(s) Due. No extensions of time are permitted for transmitting issue fees. Applicants also did not pay the required publication fee. Accordingly, the above-identified application became abandoned on February 8, 2004. A Notice of Abandonment was mailed on March 24, 2004.

The instant petition was promptly filed. Therein, petitioner maintains that the entire delay in filing the required reply from the due date of the reply until the filing of this petition was unavoidable as the Notice of Allowance and Fee Due was never received in the Office of the attorney for applicants. In

[1] 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; or, By FAX: (703) 872-9306, ATTN: NANCY JOHNSON, SENIOR PETITIONS ATTORNEY; or, By hand: CUSTOMER SERVICE WINDOW, 2011 South Clark Place, Crystal Plaza Two Lobby, Arlington, VA 22202.

support thereof, petitioner submitted papers identified as mail logs for the period from November 6, 2003 through December 5, 2003.

Petitioner requests that in the event that the petition under § 1.137(a) is dismissed, the petition be treated as a "Petition to Revive for Patent Application Abandoned Unintentionally."

Consideration under § 1.137(a)

A grantable petition under § 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 set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to § 1.137(d). The instant petition lacks item(3).

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 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 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, 671 F.2d at 538, 213 U.S.P.Q. at 982. Nonetheless, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines, 673 F. Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32.

A review of the application file reveals no irregularities in the mailing of the Notice of Allowance and Fee(s) Due. Thus, there is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. 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. 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 must be submitted as documentary proof of non-receipt 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).

Petitioner's claim of non-receipt of the Notice of Allowance is not adequately supported. In his declaration, practitioner does not attest to a search of the file jacket and docket records indicating that the Office communication was not received. Rather, he declares that he reviewed a mail log. Further, the "mail log" reviewed by practitioner and submitted on petition does not show all replies docketed for a date three months from the mail date of the Notice of Allowance (which set a three month period for reply).

Having not made an adequate showing of non-receipt of the Office action, the petition cannot be granted under §1.137(a).

The petition is **DISMISSED** without prejudice to reconsideration upon the timely submission of a copy of the docket record and a statement from the responsible attorney or patent agent that his or her search of the file jacket and docket records indicates that the Office communication was not received.

Consideration under § 1.137(b)

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, the showing is sufficient to revive the application under §1.137(b) on the basis of unintentional delay[2]. Petitioner has submitted the required reply, payment of the issue fee and the publication fee. (The Notice of Allowability did not set forth a distinct and concurrent requirement for new drawings). The petition fee has been charged to Deposit Account No. 50-0388, as authorized. 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).

---

[2] A grantable petition under §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 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; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to §1.137(d)

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 is required.

Accordingly, the petition is granted under § 1.137(b).

The Publishing Division has been advised of this decision reviving the application and that this application is ready for processing into a patent.

Receipt is acknowledged of an Information Disclosure Statement (IDS) filed March 30, 2004. It is petitioner's responsibility to determine if any further action is required to obtain consideration by the examiner of the IDS filed the same date as payment of the Issue Fee (i.e. Petition to Withdraw from Issue).

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY, CA 94704-0778

COPY MAILED

DEC 0 8 2004

OFFICE OF PETITIONS

In re Application of :
Zhu et al. :
Application No. 09/782,185 : DECISION ON
Filed: February 12, 2001 : PETITION
Attorney Docket No. LAM1P147/P0675 :

This is a decision on the "RENEWED PETITION TO REVIVE UNAVOIDABLY ABANDONED APPLICATION OR LAPSED PATENT (37 CFR 1.137(a))," filed July 22, 2004.

The petition under § 1.137(a) is **DISMISSED AS MOOT**.

The above-identified application became abandoned on February 8, 2004 for failure to timely pay the required issue fee within the statutory period of three (3) months from the mailing date, November 7, 2003, of the Notice of Allowance and Fee(s) Due.

A petition to revive unavoidably abandoned application or lapsed patent (37 CFR 1.137(a)) was filed on March 30, 2004. Therein, petitioner requests that in the event that the petition under § 1.137(a) is dismissed, the petition be treated as a "Petition to Revive for Patent Application Abandoned Unintentionally." By decision mailed May 24, 2004, the petition under § 1.137(a) was dismissed for failure to make an adequate showing of unavoidable delay. However, the alternative petition under § 1.137(b) was granted.

In view of the pending status of this application, the instant petition for revival is moot.

Petitioner is reminded that 35 U.S.C. 41(a) (7) provides that a petition for the revival of an unintentionally abandoned application or for the unintentionally delayed payment of the issue fee must be accompanied by the petition fee set forth in 37 CFR 1.17(m), unless the petition is filed under 35 U.S.C. 133 or 151 (on the basis of unavoidable delay), in which case the fee is set forth in 37 CFR 1.17(l). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely

the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982 U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

Thus, having received consideration of the petition on the merits, as requested, under both § 1.137(a) and § 1.137(b), the fees under §§ 1.17(l) and (m) are required and will not be refunded.

The application is being 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

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

BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA VA 22313-1404

COPY MAILED

JUN 12 2006

OFFICE OF PETITIONS

In re Application of :
Aihara et al. :
Application No. 09/782,253 : Decision on Petition
Filed: February 14, 2001 :
For: IMAGE PROCESSING APPARATUS :
FOR CORRECTING CONTRAST OF :
IMAGE

The above-identified application has been forwarded to the undersigned for consideration of the request to correct the filing receipt and publication status received on June 8, 2006. This is being treated as a request to rescind the "Nonpublication Request" in the Office's electronic records.

On February 14, 2001, the above-identified application was filed. The application did not include a Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i), PTO/SB35 (11-00).

On March 19, 2001, the Filing Receipt mailed by the Office improperly acknowledged a "Nonpublication Request." The Filing Receipt did not indicate a projected publication date.

35 U.S.C. 122(b) requires the United States Patent and Trademark Office to publish utility and plant applications filed on or after November 29, 2000, unless, on filing, applicant requested nonpublication with the required certification. The statute also provides that if an applicant who has submitted a nonpublication request subsequently files an application directed to the invention disclosed in the application in which the nonpublication request was submitted in another country, or under a multilateral international agreement, that requires publication of applications eighteen months after filing, the applicant must notify the Office of such filing within forty-five days after the date of the filing of the foreign or international application. The failure to notify the Office of the filing of such foreign or international application shall result in abandonment of the application in which the nonpublication request was submitted.

In the future, Applicant's representative should carefully review the Filing Receipt and timely advise the Office of any errors. A delay in publication, as caused by the delay in notifying the Office of the erroneous reference to a nonpublication request, could cause applicants to lose provisional rights under 35 U.S.C. 154(d).

The application will be scheduled for publication in due course.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-7709.

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

Enclosure: Communication regarding rescission of Nonpublication request and/or Notice of Foreign Filing

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/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/782,253	02/14/2001	Nobuhiro Aihara	030682-107

CONFIRMATION NO. 9933

21839
BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

Date Mailed: 06/09/2006

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/14/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/782,253	02/14/2001	Nobuhiro Aihara	030682-107

CONFIRMATION NO. 9933

21839
BUCHANAN INGERSOLL PC
(INCLUDING BURNS, DOANE, SWECKER & MATHIS)
POST OFFICE BOX 1404
ALEXANDRIA, VA 22313-1404

Date Mailed: 06/09/2006

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/14/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MATTINGLY, STANGER & MALUR, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

COPY MAILED
AUG 1 3 2004
OFFICE OF PETITIONS

In re Application of :
Hoshino, et al. :
Application No. 09/782,303 :
Filed: February 14, 2001 :
For: SEMICONDUCTOR DEVICE AND A :
METHOD OF MANUFACTURING THE SAME :

DECISION GRANTING
PETITION UNDER 37 CFR
1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed April 5, 2004 to revive the above-identified application.

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

The application became abandoned on February 21, 2004 for failure to timely submit corrected formal drawings as required by the Notice of Allowability mailed November 20, 2003. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed March 25, 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 submit new formal drawings in response to the Notice mailed November 20, 2003 is accepted as having been unintentionally delayed.

This application is being forwarded to the Publications Division for further processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVAK DRUCE DELUCA & QUIGG
1300 EYE STREET NW
SUITE 400 EAST
WASHINGTON DC 20005

COPY MAILED

JUN 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Klaus Klemm :
Application No. 09/782,304 : ON PETITION
Filed: February 14, 2001 :
Attorney Docket No. 0732/000031 :

This is a decision on the petition, filed May 26, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 1, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3727 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

MAR 15 2007

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

NOVAK DRUCE DELUCA & QUIGG, LLP
1300 EYE STREET NW
SUITE 1000 WEST TOWER
WASHINGTON DC 20005

In re Application of	:
Uwe Wenzel et al	:
Serial No.: 09/782,306	: PETITION DECISION
Filed: February 14, 2001	:
Attorney Docket No.: PF 51202	:

This is in response to the petition under 37 CFR 1.181, filed December 20, 2006, requesting withdrawal of the Finality of the last Office action.

BACKGROUND

A review of the relevant file history shows that following the filing of RCE papers on August 6, 2004, the examiner mailed a first non-Final Office action to applicants on December 28, 2004, a second non-Final Office action on August 11, 2005, and a third non-Final Office action on April 10, 2006. The last Office action contained a rejection of claims 1-1 and 13 under 35 U.S.C. 102(b) as anticipated by Koda or Gionfriddo, both in Abstract form.

Applicants replied to the last non-Final Office action on July 10, 2006, by canceling claims 2 and 13 and amending claim 1 to eliminate the sugar value for R^7 and limit several other variables. Applicants argued the claim now defined over the applied prior art.

The examiner mailed a new Office action to applicants on September 22, 2006, rejecting claim 1 (the only remaining claim) under 35 U.S.C. 102(b) as anticipated by Watanabe et al (US 5650433). The examiner made the action Final based on applicants' amendments necessitating the application of a new reference.

This petition was filed December 20, 2006, to withdraw the finality of the Office action. A reply to the Office action was filed concurrently, and the examiner mailed an Advisory Action to applicants on January 16, 2007, indicating the arguments did not place the application in condition for allowance.

Applicants filed a Notice of Appeal on January 26, 2006.

DISCUSSION

Applicants state that the examiner's application of a new reference in the Office action mailed September 22, 2006, and making of the action Final was improper as applicants' amendments did not cause the need for application of a new reference and rejection.

All of the compounds claimed belong to the general class of flavones. A review of the claims before the amendment of July 10, 2006, and afterwards shows that claim 1 contained variable R^7 defined as being hydrogen, hydroxy or methoxy (the same as R^5, R^6 and R^8) and also as being a sugar substituents, but afterward was limited to hydrogen alone. The examiner's applied art prior to the narrowing of the claims by amendment appears to have focused on flavones having a sugar substituent at the R^7 position and not on the breadth of the claims as encompassing all types of flavones. It could reasonably have been predicted that applicants would amend their claims in response to the references applied so as to avoid the compounds claimed therein, based on the known general class of flavones. Thus, the application of a different reference (Watanabe et al) that was already of record was not necessitated by applicants' amendment. It is also noted that Watanabe et al was cited, but not applied, in the first Office on the merits, mailed February 13, 2003. It is further noted that the Office actions mailed December 28, 2004, and August 11, 2005, stated that the (broader) claims of record avoided the prior art of record (including Watanabe et al). The examiner's failure to timely apply Watanabe et al should not inure to applicants' detriment by having it applied now and the action made Final.

DECISION

The petition is **GRANTED.** The Office action mailed September 22, 2006, is designated as a non-Final Office action. The response filed December 20, 2006, will be considered a reply to a non-Final Office action and will be entered.

The Notice of Appeal is considered premature in view of the above decision and is withdrawn inasmuch as the application has not been twice rejected for the same reasons. The application will be forwarded to the examiner for further consideration of the amendment filed December 20, 2006, and further action not inconsistent therewith.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number 571-273-8300.

George C. Elliott
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

Paper No. 11

JOHN G. CHUPA
28535 ORCHARD LAKE RD., STE 50
FARMINGTON, HILLS, MI 48334

COPY MAILED

SEP 17 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Martin Daniels :
Application No. 09/782,353 :
Filed: February 12, 2001 :
Attorney Docket No. 207-001 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 3, 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 27, 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 February 28, 2003.

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

The application is being forwarded to Technology Center AU 3724 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

John G. Chupa
Law Offices of John G.
Chupa & Associates, P.C.
28535 Orchard Lake Road
Ste 50
Farmington Hills, MI 48334

COPY MAILED

APR 26 2006

OFFICE OF PETITIONS

In re Application of :
Martin Daniels : DECISION ON PETITION
Application No. 09/782,353 :
Filed: February 12, 2001 :
Attorney Docket No. 207-001 :

This is a decision on the "PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. §1.181(a)" filed September 16, 2005.

The petition under 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to reply to the "Notice of Non-compliant Amendment (37 CFR 1.121)" mailed January 10, 2005.[1] The Notice set a period for reply of ONE-MONTH nonextendable time limit for response. No reply having been received, the above-identified application became abandoned on February 11, 2005. A Notice of Abandonment was mailed on September 2, 2005.

In response, petitioner promptly filed the instant petition. Petitioner states that a response to the Notice dated January

[1] It is noted that the application was previously revived by decision mailed September 17, 2004. However, that abandonment has no bearing on the instant abandonment. The granting of the petition does not overcome the non-compliance of the amendment filed with the petition. In other words, thereafter, the amendment was properly deemed non-compliant.

10, 2005 was received in the USPTO on January 28, 2005. In support thereof, applicant submitted a copy of their return postcard and the response.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503. A review of petitioner's postcard receipt reveals that: 1) it was date stamped as received in the USPTO on January 28, 2005; 2) it specifically identifies the items being filed, including "Response to Notice: 9 pages" and 3) it lacks any annotation of nonreceipt of any item denoted on the postcard. Thus, petitioner has shown that the response should be considered timely filed on January 28, 2005.

Accordingly, the Notice of Abandonment mailed September 2, 2005 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

Technology Center AU 3724 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the response to the Notice of Non-compliant Amendment (and affidavit) resubmitted on petition filed September 16, 2005.

Telephone inquiries specific 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

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

TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY UT 84110

COPY MAILED

AUG 17 2004

OFFICE OF PETITIONS

In re Application of :
HU : NOTICE
Application No. 09/782,361 :
Filed: February 13, 2001 :
Attorney Docket No. 2883-4757US :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28(c), filed July 16, 2004.

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 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 Notice is not intended to imply that an investigation was performed.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-5589.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/782,375	02/12/2001	Jos Timmermans	AEI-172-B	9750

7590 08/21/2008

Andrew R. Basile
Young & Basile, P.C.
3001 West Big Beaver Road, Suite 624
Troy, MI 48084

EXAMINER	
TRAN, CHUC	

ART UNIT	PAPER NUMBER
2821	

MAIL DATE	DELIVERY MODE
08/21/2008	PAPER

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Patent No. TIMMERMANS ET AL.
Issue Date: May 23, 2006
Appl No.: 09/782,375
Filed: February 12, 2001
For: LIGHT TUBE AND POWER SUPPLY CIRCUIT

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition filed 10/26/2007 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.

Douglas W. Owens
Supervisory Patent Examiner
Art Unit 2821
Technology Center 2800

Andrew R. Basile
Young & Basile, P.C.
3001 West Big Beaver Road, Suite 624
Troy, MI 48084

UNITED STATES 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: August 6, 2008
TO: Certificates of Correction Branch
FROM: Douglas W. Owens
SPE, Art Unit 2821
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 7,049,761 as specified on the attached Certificate.

Douglas W. Owens, SPE
Art Unit 2821

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 7,049,761
Patented: May 23, 2006

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

JOS TIMMERMANS
JEAN C. RAYMOND
JOHN IVEY

Douglas W. Owens
Supervisory Patent Examiner
Art Unit 2821

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

David B. Cochran, Esquire
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114

MAIL

JUN 14 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Mihal Lazaridis et al.)
Application No. 09/782,380)
Filed: February 13, 2001)
For: SYSTEM AND METHOD FOR PUSHING INFORMATION FROM A HOST SYSTEM TO A MOBILE DATA COMMUNICATIONS DEVICE)

DECISION ON PETITION UNDER M.P.E.P. §708.02(II): INFRINGEMENT

This is a decision on the petition, filed May 4, 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
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. 4

MAIL

MAY 23 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

David B. Cochran, Esquire
Jones, day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114

In re Application of: Gary Mousseau et al.)
Application No. 09/782,412)
Filed: February 13, 2001)
For: SYSTEM AND METHOD FOR PUSHING INFORMATION FROM A HOST SYSTEM TO A MOBILE DATA COMMUNICATIONS DEVICE)

DECISION ON PETITION UNDER M.P.E.P. §708.02(II): INFRINGEMENT

This is a decision on the petition, filed May 4, 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
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

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)
6674799	2004-01-06	09782425	2001-02-13	2080-3-02

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

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

	Fee	Code
◉	3 ½ year	(1551)
○	7 ½ year	(1552)
○	11 ½ year	(1553)

Small Entity

	Fee	Code
○	3 ½ year	(2551)
○	7 ½ year	(2552)
○	11 ½ year	(2553)

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Kendal M. Sheets/	Date (YYYY-MM-DD)	2008-06-25
Name	Kendal M. Sheets	Registration Number	47077

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Patent No. 6674799
Issue Date: January 6,2004
Application No. 09782425
Filed: February 13,2001
Attorney Docket No. 2080-3-02

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

This is a decision on the electronic petition, filed June 25,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 25,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

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

UNITED STATES 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. 8

MAILED

NOV 0 5 2004

Technology Center 2100

Woodcock Washburn LLP
One Liberty Place – 46th Floor
Philadelphia, PA 19103

In re Application of:
Fred C. THOMAS, et al.
Application No. 09/782,501
Filed: February 13, 2001
For: METHOD AND SYSTEM FOR SOFTWARE AUTHENTICATION IN A COMPUTER SYSTEM

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed August 16, 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: IOMEGA CORPORATION
10955 Vista Sorrento Parkway
San Diego, CA 92008

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KAGAN BINDER, PLLC
SUITE 200, MAPLE ISLAND BUILDING
221 MAIN STREET NORTH
STILLWATER MN 55082

COPY MAILED

MAR 18 2008

OFFICE OF PETITIONS

In re Application of :
Robert T. Stone et al. :
Application No. 09/782,503 : DECISION ON PETITION
Filed: February 13, 2001 : TO WITHDRAW
Attorney Docket No. 33882/US/2 PSI0017/US : FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed November 21, 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 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 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: **Jim Hawkins**
Natus Medical Incorporated
1501 Industrial Road
San Carlos, CA 94070-4111

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DARBY & DARBY P.C
805 Third Avenue
New York, NY 10022

COPY MAILED

OCT 19 2007

OFFICE OF PETITIONS

In re Application of
STROMMER, et al.
Application No. 09/782,528
Filed: February 13, 2001
Attorney Docket No. 2649/1F631US1

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed October 15, 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 June 28, 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]

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 Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 3737 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed information disclosure statement.

Karen Glass for
Frances Hicks
Petitions Examiner
Office of Petitions

cc: **DARBY & DARBY P.C.**
P.O. BOX 770
CHURCH STREET STATION
NEW YORK, NEW YORK 10008-0770

[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

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

Paper No. 6

Roy A. Ekstrand
333 Continental Blvd.
El Segundo, CA 90245-5012

COPY MAILED

MAY 0 8 2003

OFFICE OF PETITIONS

In re application of
Michael Andrews et al.
Application No. 09/782,537
Filing Date: February 12, 2001
Attorney Docket No. 14493

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 29, 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 Notice to File Missing Parts (Notice) mailed March 19, 2001, which set a period for reply of (2) two months. No extensions of time under the provisions of 37 CFR 1.136 have been obtained. Accordingly, the application became abandoned on May 20, 2001.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Any questions concerning this matter may be directed to Latrice Bond (703) 308-6911.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ADAN AYALA, ESQ.
THE BLACK & DECKER CORPORATION
701 EAST JOPPA ROAD
TOWSON, MD 21286

COPY MAILED

JUN 0 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Brotto et al.	:	
Application No. 09/782,539	:	ON PETITION
Filed: February 13, 2001	:	
Attorney Docket No. TN-1379A	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 18, 2005, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely and properly reply to the final Office action mailed November 8, 2004. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on February 9, 2005.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The Notice of Appeal filed May 18, 2005, has been entered and made of record. Accordingly, the 2-month period for filing the appeal brief accompanied by the fee required by law, runs from the date of this decision.

This matter is being referred to Technology Center 2800 for further processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

AGILENT TECHNOLOGIES, INC.
INTELLECTUAL PROPERTY ADMINISTRATION, LEGAL DEPT.
P.O. BOX 7599
M/S DL429
LOVELAND, CO 80537-0599

COPY MAILED

MAY 07 2004

OFFICE OF PETITIONS

In re Application of :
Nishimura, et al. :
Application No. 09/782,544 : ON PETITION
Filed: February 12, 2001 :
Attorney Docket No. 10003406-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 12, 2004, 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 2, 2004. Accordingly, this application became abandoned on March 3, 2004.

This application is being forwarded to Publishing Division.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

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

CHARLES G. CALL
68 HORSE POND ROAD
WEST YARMOUTH, MA 02673-2516

COPY MAILED

JAN 27 2005

OFFICE OF PETITIONS

In re Application of :
James D. Logan et al :
Application No. 09/782,546 : ON PETITION
Filed: February 13, 2001 :
Attorney Docket No. 96,855 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 2, 2004, to revive the above-identified application.

The petition is **DISMISSED**.

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

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal

---

[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.

disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) 1(one).

In the Notice To File Missing Parts Of Nonprovisional Application mailed March 21, 2001, an Abstract not to exceed 150 words in length, commencing on a separate sheet is required.

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:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHARLES G. CALL
68 HORSE POND ROAD
WEST YARMOUTH MA 02673-2516

COPY MAILED

AUG 31 2005

OFFICE OF PETITIONS

In re Application of :
James D. Logan et al :
Application No. 09/782,546 : ON PETITION
Filed: February 13, 2001 :
Attorney Docket No. A-004 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed May 27, 2005, 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)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either

---

[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.

the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) (1).

A one month extension of time fee was filed instead of a two month extension of time fee.

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:

Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CHARLES G. CALL
68 HORSE POND ROAD
WEST YARMOUTH MA 02673-2516

COPY MAILED

FEB 17 2006

OFFICE OF PETITIONS

In re Application of :
James D. Logan et al :
Application No. 09/782,546 : DECISION GRANTING PETITION
Filed: February 13, 2001 : UNDER 37 CFR 1.137(b)
Attorney Docket No. A-004 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 3, 2005, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to the Office of Initial Patent Examination.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

FEB 2 0 2004 rvk

Mailed: _____ Paper Number: 10

In re application of :
Serge Magnet : DECISION ON
Serial No. 09/782,562 : PETITION
Filed: February 13, 2001 :
For: UV RESISTANT RESIN FOR PARAFFINIC SOLVENT BASED PAINT :

This is a response to the PETITION UNDER 37 C.F.R. §181 TO WITHDRAW THE HOLDING OF ABANDONMENT, filed November 10, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of September 11, 2003, for failure to timely pay the issue fee as indicated in Notice of Allowability and Notice of Allowance and Issue Fee Due mailed May 01, 2003 be withdrawn. The petitioner asserts that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received by applicant.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R.§ 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

A review of the petitioner's evidence indicates that the request cannot be granted. 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 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. (emphasis added)**

The evidence presented is insufficient to establish that the above noted Notice of Allowability and Notice of Allowance and Issue Fee Due were not received by the petitioner. The evidence provided includes a statement by the petitioner that the Notice of Allowance was never received by the offices of THE GOODYEAR TIRE & RUBBER COMPANY (Akron Ohio), which was the addressee of record on May 01, 2003. This fact was verified by a communication between a representative of THE GOODYEAR TIRE & RUBBER COMPANY and a reprensentative of ELIOKEM (the current assignee) on or before October 21, 2003.

However, the instant petition does not contain a statement attesting that a search of the file jacket and docket records was made, and the result of such search revealed that the Notice of Allowability and Notice of Allowance and Issue Fee Due of May 01, 2003 were not received and it fails to submit a copy of the docket record where the nonreceived Notice of Allowability and Notice of Allowance and Issue Fee Due would have been entered had it been received.

The instant petition was accompanied by $110.00 as a petition fee. However, a petition of this type does not require a $110.00 petition fee. Therefore, a refund of

the $110.00 may be obtained by directing a copy of this decision along with a written request for such a refund to the Office of Finance.

Accordingly, this application stands abandoned.

The Petition is **DENIED**.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. BOX 747
FALLS CHURCH, VA 22040-0740

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

Mailed: MAR 15 2004

rvk
Paper Number: 10

In re application of :
Serge Magnet : DECISION ON
Serial No. 09/782,562 : PETITION
Filed: February 13, 2001 :
For: UV RESISTANT RESIN FOR PARAFFINIC SOLVENT BASED PAINT :

This is a response to the PETITION UNDER 37 C.F.R. §181 TO WITHDRAW THE HOLDING OF ABANDONMENT, filed November 10, 2003. The petition requests that the abandonment, as set forth in the Notice of Abandonment of September 11, 2003, for failure to timely pay the issue fee as indicated in Notice of Allowability and Notice of Allowance and Issue Fee Due mailed May 01, 2003 be withdrawn. The petitioner asserts that the Notice of Allowability and Notice of Allowance and Issue Fee Due were not received by applicant.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R.§ 1.181 (no fee), and is evaluated under the procedures regarding an acceptable showing of non-receipt of an office action. See MPEP 711.03(c)(II).

A review of the petitioner's evidence indicates that the request cannot be granted. 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 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. (emphasis added)**

The evidence presented is insufficient to establish that the above noted Notice of Allowability and Notice of Allowance and Issue Fee Due were not received by the petitioner. The evidence provided includes a statement by the petitioner that the Notice of Allowance was never received by the offices of THE GOODYEAR TIRE & RUBBER COMPANY (Akron Ohio), which was the addressee of record on May 01, 2003. This fact was verified by a communication between a representative of THE GOODYEAR TIRE & RUBBER COMPANY and a reprensentative of ELIOKEM (the current assignee) on or before October 21, 2003.

However, the instant petition does not contain a statement attesting that a search of the file jacket and docket records was made, and the result of such search revealed that the Notice of Allowability and Notice of Allowance and Issue Fee Due of May 01, 2003 were not received and it fails to submit a copy of the docket record where the nonreceived Notice of Allowability and Notice of Allowance and Issue Fee Due would have been entered had it been received.

The instant petition was accompanied by $110.00 as a petition fee. However, a petition of this type does not require a $110.00 petition fee. Therefore, a refund of

the $110.00 may be obtained by directing a copy of this decision along with a written request for such a refund to the Office of Finance.

Accordingly, this application stands abandoned.

The Petition is **DENIED**.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. BOX 747
FALLS CHURCH, VA 22040-0740

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 12

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH, VA 22040-0747

COPY MAILED

MAY 1 1 2004

OFFICE OF PETITIONS

In re Application of
Serge Magnet
Application No. 09/782,562
Filed: February 13, 2001
Attorney Docket No. DN2001030

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 29, 2004, to revive the above-identified application.

A review of the record discloses that the application became abandoned for failure to pay the issue fee on or before August 1, 2003. A Notice of Abandonment was mailed on September 11, 2003. On November 10, 2003, the requisite issue fee and a petition to withdraw the holding of abandonment were filed. However, the petition was denied in a decision mailed February 20, 2004. In response on April 29, 2004, the present petition was filed.

The petition is GRANTED.

The application is being forwarded to Publishing Division.

Telephone inquires related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to processing at Publishing Division should be directed to (703) 305-8283.

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

DELPHI TECHNOLOGIES, INC.
M/C 480-410-202
P.O. BOX 5052
TROY, MI 48007

COPY MAILED

JAN 24 2006

OFFICE OF PETITIONS

In re Application of :
Malcolm James Grieve :
Application No. 09/782,585 : ON PETITION
Filed: February 13, 2001 :
Attorney Docket No. DP-302896 :

This is a decision on the request to withdraw the notice of abandonment, filed December 27, 2005.

The petition is **GRANTED.**

A non-final Office action was mailed to applicant on September 30, 2004, setting a three (3) month shortened statutory period within which to file a reply.. Petitioner submitted a response and a petition for a three (3) month extension of time with the $1,020 fee, via certificate of mailing on March 30, 2005. In view thereof, this application was improperly held abandoned. Accordingly, the petition fee of $1,500 will **not** be charged to petitioner's deposit account.

The application file is being referred to Technology Center Art Unit 1764, for review of the amendment filed, via certificate of mailing, on March 30, 2005.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 7

TIMOTHY H. VAN DYKE
BENCEN & VAN DYKE, P.A.
1630 HILLCREST STREET
ORLANDO, FLORIDA 32803

COPY MAILED

SEP 5 2001

OFFICE OF PETITIONS

In re Application of :
John R. Bianchi et al :
Application No. 09/782,594 : DECISION DISMISSING PETITION
Filed: February 12, 2001 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. RTI-112R :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 25, 2001, to accept an unintentionally delayed claim under 35 USC 120 for the benefit of two prior filed copending nonprovisional applications.

The petition is **DISMISSED**.

The petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 USC 120 for the benefit of one or more prior filed nonprovisional applications must be accompanied by: (1) The surcharge of $1,240 set forth in 37 CFR 1.17(t); (2) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) and the date the claim was filed was unintentional; and (3) the specification must contain or be amended to contain a reference to each prior filed copending nonprovisional application or be included in an application data sheet (ADS) (37 CFR 1.76). The Commissioner may require additional information where there is a question whether the delay was unintentional. This petition lacks item (3).

The instant pending application was filed on February 12, 2001, but the claim for priority to the two nonprovisional applications was not filed within the later of four months from the actual date of filing of the application or sixteen months from the filing date of the prior nonprovisional applications. Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The first line of the specification states:

> This application is a continuation-in-part of pending provisional application serial number 60/181,622, filed February 10, 2000, pending, and of application serial numbers 09/191,132, filed on November 13, 1998, pending; and of 09/378,527, filed on August 20, 1999, pending; and of 09/370,194, filed on September 7, 1999, pending; 29/123, 227, filed May 12, 2000, pending, the priority of all of which is claimed herein under 35 U.S.C. Section 120.

The instant petition seeks to accept the unintentionally delayed claim for priority of nonprovisional Application No. 08/920,630, filed August 27, 1997 and nonprovisional Application No. 09/701,933, filed August 25, 1998.

A reference to the subject two prior nonprovisional applications has not been included in an ADS as provided by 37 CFR 1.76 or in the first sentence of the specification following the title as required by 37 CFR 1.78(a)(2). Therefore, the petition currently does not comply with the provisions of 37 CFR 1.78(a)(2) and, as such, cannot be accepted at this time.

The statement in the first line of the specification which states that "[t]his application is a continuation-in-part of pending provisional application serial number 60/181,622" is improper. In this regard, an application claiming the benefits of a provisional application under 35 USC 119(e) should not be called a continuation, a division, or a continuation-in-part. Note MPEP 201.07, 201.08 and 306.01. Additionally, it is noted that it appears that incorrect application numbers were included in the claim for priority under 35 USC 120 in the first sentence of the specification following the title; namely, "09/370,194" should read -- 09/390,194 -- and "09/191,132" should read -- 09/191,232 -- . If this is correct, petitioner may wish to include this amendment with the request for reconsideration of the petition under 37 CFR 1.78(a)(3). It is further noted that the incorrect application numbers also appear in the executed declaration received May 25, 2001.

Any request for reconsideration of this decision should be filed within two months from the mail date of this decision. Note 37 CFR 1.181(f).

A further review of the file record discloses that the reply to the Notice to File Missing Parts (Notice) is defective in that the executed Declaration and Power of Attorney lacks the citizenship of inventors P. J. Gorham and Michael Esch as required by 35 USC 115. Therefore, a declaration in compliance with 35 USC 115 and 37 CFR 1.63(a)(3) is required. **The period for reply remains as set forth in the Notice of March 19, 2001. Failure to timely reply will result in the abandonment of this application. Note that extensions of time are still available pursuant to the provisions of 37 CFR 1.136(a) up to and including October 19, 2001.**

It is further noted that the preliminary amendment under 37 CFR 1.115 accompanying the instant petition is unsigned. Therefore, the amendment must be signed if petitioner desires to have the preliminary amendment considered.

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 South Clark Place
Arlington, Virginia 22202

Telephone inquiries concerning this matter may 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

OIPE JC109
JAN 07 2002
PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY

RECEIVED
SEP 07 2001

Paper No. 7

TIMOTHY H. VAN DYKE
BENCEN & VAN DYKE, P.A.
1630 HILLCREST STREET
ORLANDO, FLORIDA 32803

COPY MAILED
SEP 5 2001
OFFICE OF PETITIONS

In re Application of
John R. Bianchi et al
Application No. 09/782,594
Filed: February 12, 2001
Attorney Docket No. RTI-112R

: DECISION DISMISSING PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed July 25, 2001, to accept an unintentionally delayed claim under 35 USC 120 for the benefit of two prior filed copending nonprovisional applications.

RECEIVED
JAN 10 2002
OFFICE OF PETITIONS
DEPUTY A/C PATENTS

The petition is **DISMISSED**.

The petition under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 USC 120 for the benefit of one or more prior filed nonprovisional applications must be accompanied by: (1) The surcharge of $1,240 set forth in 37 CFR 1.17(t); (2) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) and the date the claim was filed was unintentional; and (3) the specification must contain or be amended to contain a reference to each prior filed copending nonprovisional application or be included in an application data sheet (ADS) (37 CFR 1.76). The Commissioner may require additional information where there is a question whether the delay was unintentional. This petition lacks item (3).

The instant pending application was filed on February 12, 2001, but the claim for priority to the two nonprovisional applications was not filed within the later of four months from the actual date of filing of the application or sixteen months from the filing date of the prior nonprovisional applications. Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

CTS
Date received 9/7/01
Docketed 9/14/01 By WK
Timely response due 10/5/01
Last date to file response 11/5/01

CTS
Date received 9/7/01
Docketed 9/14/01 By WK
Timely response due 9/14/01
Last date to file response 10/19/01

The first line of the specification states:

> This application is a continuation-in-part of pending provisional application serial number 60/181,622, filed February 10, 2000, pending, and of application serial numbers 09/191,132, filed on November 13, 1998, pending; and of 09/378,527, filed on August 20, 1999, pending; and of 09/370,194, filed on September 7, 1999, pending; 29/123, 227, filed May 12, 2000, pending, the priority of all of which is claimed herein under 35 U.S.C. Section 120.

The instant petition seeks to accept the unintentionally delayed claim for priority of nonprovisional Application No. 08/920,630, filed August 27, 1997 and nonprovisional Application No. 09/701,933, filed August 25, 1998.

A reference to the subject two prior nonprovisional applications has not been included in an ADS as provided by 37 CFR 1.76 or in the first sentence of the specification following the title as required by 37 CFR 1.78(a)(2). Therefore, the petition currently does not comply with the provisions of 37 CFR 1.78(a)(2) and, as such, cannot be accepted at this time.

The statement in the first line of the specification which states that "[t]his application is a continuation-in-part of pending provisional application serial number 60/181,622" is improper. In this regard, an application claiming the benefits of a provisional application under 35 USC 119(e) should not be called a continuation, a division, or a continuation-in-part. Note MPEP 201.07, 201.08 and 306.01. Additionally, it is noted that it appears that incorrect application numbers were included in the claim for priority under 35 USC 120 in the first sentence of the specification following the title; namely, "09/370,194" should read -- 09/390,194 -- and "09/191,132" should read -- 09/191,232 -- . If this is correct, petitioner may wish to include this amendment with the request for reconsideration of the petition under 37 CFR 1.78(a)(3). It is further noted that the incorrect application numbers also appear in the executed declaration received May 25, 2001.

Any request for reconsideration of this decision should be filed within two months from the mail date of this decision. Note 37 CFR 1.181(f).

RECEIVED
JAN 10 2002
OFFICE OF PETITIONS
DEPUTY A/C PATENTS

A further review of the file record discloses that the reply to the Notice to File Missing Parts (Notice) is defective in that the executed Declaration and Power of Attorney lacks the citizenship of inventors P. J. Gorham and Michael Esch as required by 35 USC 115. Therefore, a declaration in compliance with 35 USC 115 and 37 CFR 1.63(a)(3) is required. **The period for reply remains as set forth in the Notice of March 19, 2001. Failure to timely reply will result in the abandonment of this application. Note that extensions of time are still available pursuant to the provisions of 37 CFR 1.136(a) up to and including October 19, 2001.**

It is further noted that the preliminary amendment under 37 CFR 1.115 accompanying the instant petition is unsigned. Therefore, the amendment must be signed if petitioner desires to have the preliminary amendment considered.

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 South Clark Place
Arlington, Virginia 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-8680.

Frances Hicks

will look Thurs Oct. 9th

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

Karen Young 305-8859
3425

RECEIVED
JAN 10 2002
OFFICE OF PETITIONS
DEPUTY A/C PATENTS

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 14

TIMOTHY H. VAN DYKE
BENCEN & VAN DYKE, P.A.
1630 HILLCREST STREET
ORLANDO, FLORIDA 32803

COPY MAILED

MAY 1 0 2002

OFFICE OF PETITIONS

In re Application of :
John R. Bianchi et al. :
Application No. 09/782,594 : DECISION GRANTING DECISION
Filed: February 12, 2001 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. RTI-112R :

This is a decision on the Response to Decision Dismissing Petition under 37 CFR 1.78(a)(3), filed January 7, 2002, to accept an unintentionally delayed claim under 35 USC 120 for the benefit of two prior filed copending nonprovisional applications, numbers 08/920,630, filed August 27, 1997, and 09/701,933, filed August 25, 1998. A petition for a five (5) month extension of time is also requested and is hereby granted.

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 1.78." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

A petition to accept an unintentionally delayed claim for the benefit of two prior filed copending applications, filed July 25, 2001, was dismissed by this Office in a Decision mailed on September 5, 2001, because a reference to the subject two prior nonprovisional applications had not been included in an ADS as provided by 37 CFR 1.76 or in the first sentence of the specification following the title as required by 37 CFR 1.78(a)(2). Also, the statement in the first line of the specification which stated that "[t]his application is a continuation-in-part of pending provisional application serial number 60/181,622" was improper.

It was noted in the Decision that, in this regard, an application claiming the benefits of a provisional application under 35 USC 119(e) should not be called a continuation, a division, or a

continuation-in-part. Note MPEP 201.07, 201.08 and 306.01. It was also noted that it appeared that incorrect application numbers were included in the claim for priority under 35 USC 120 in the first sentence of the specification following the title; namely, "09/370,194" should have read -- 09/390,194[1] -- and "09/191,132" should have read -- 09/191,232 -- . It was further noted that the incorrect application numbers also appeared in the executed declaration received May 25, 2001.

A further review of the file record disclosed that the reply to the Notice to File Missing Parts (Notice) was defective in that the executed Declaration and Power of Attorney lacked the citizenship of inventors P. J. Gorham and Michael Esch as required by 35 USC 115. A declaration in compliance with 35 USC 115 and 37 CFR 1.63(a)(3) was required.

Finally, it was noted that the preliminary amendment under 37 CFR 1.115 accompanying the instant petition was unsigned. A signed amendment was required if petitioner desired to have the preliminary amendment considered.

Applicable Law

A petition under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2), and must be filed during the pendency of the nonprovisional application. In addition, the petition must accompanied by:

(1) the surcharge as set forth in 37 CFR 1.17(t);

(2) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) and the date the claim was filed as unintentional; and

(3)the reference to the prior filed nonprovisional application, supplied in an application data sheet, or as an amendment in the first sentence following the title. *See* 35 USC 120 and 37 CFR 1.78(a)(2). The Commissioner may require additional information where there is a question whether the delay was unintentional.

---

[1]It is noted that the application serial number should have read 09/390,174. Petitioner has made this correction on the Second Preliminary Amendment submitted with the instant petition.

The Instant Petition

This petition lacks item (3).

The first line of the specification has been amended to state:

> This application is a continuation-in-part of pending application serial numbers 09/191,232, filed on November 13, 1998, pending; and of 09/378,527, filed on August 20, 1999, pending; and of 09/390,174, filed on September 7, 1999, pending, and of 29/123,227, filed on May 12, 2000, pending. This application is also related to provisional application serial number 60/181,622, filed February 10, 2000, and to non-provisional application number 08/920,630, filed August 27, 1997; and of non-provisional application number 09/701,933, filed August 25, 1998. The priority of all of the foregoing is claimed herein under 35 U.S.C. §119 and §120. The subject matter and disclosure of all the foregoing is hereby incorporated by reference as if fully set forth herein.

The application currently claims the benefit of application numbers 60/181,622, filed February 10, 2000; 09/191,232, filed on November 13, 1998; 09/378,527, filed on August 20, 1999, and of 09/390,174, filed on September 7, 1999.

The applications for which the benefit is sought are application numbers 29/123,227, filed May 12, 2000; 08/920,630, filed August 27, 1997, and 09/701,933, putatively filed on August 25, 1998. However, Petitioner has not indicated the relationship of the applications for which the benefit is sought and the instant application as required by 37 CFR 1.78(a)(2). That section provides that

> [e]xcept for a continued prosecution application filed under 37 CFR 1.53(d), any nonprovisional application claiming the benefit of one or more prior filed copending nonprovisional applications or international applications designating the United States of America must contain a reference to each such prior application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and *indicating the relationship of the applications.* (Emphasis supplied)

Here, Petitioner has not indicated the relationship of the

applications, but simply provided that "[t]his application is also related" to the applications for which the benefit is sought. The Manual for Patent Examining Procedure ("MPEP") §201.11, provides that

> "[w]hen a nonprovisional application (other than a CPA) is entitled under 35 U.S.C. 120 to an earlier U.S. effective filing date, a statement such as 'This is a division (continuation, continuation-in-part) of Application No. ---, filed ---' should appear as the first sentence of the description or in an application data sheet, except in the case of a design applications . . . ."

Petitioner must amend the specification to state the relationship of the instant application to the application(s) for which the benefit is sought.

Further, the proposed amendment lumps together, and thus confuses, claims for the benefit under both 35 USC 119(e) and 35 USC 120. As noted above, it is inappropriate for applicant to denote a given application as continuation of a continuation-in-part of a provisional application. The proposed amendment is also improper for another reason: where it attempts to incorporate by reference, after the filing date, one or more previous applications. The proposed amendment under 35 USC 120 cannot be accepted as drafted since it improperly incorporates by reference the prior applications. Petitioner's attention is directed to *Dart Industries v. Banner*, 636 F. 2d 684, 207 USPQ273 (C.A.D.C. 1980), where the court drew a distinction between the permissible 35 USC 120 statement, and the inpermissible introduction of new matter by way of incorporation by reference in a 35 USC 120 statement. The court specifically stated:

> Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. *In re deSeversky, supra* at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore "limit" the absolute and express prohibition against new matter contained in section 251 [or 132]. *Id.* At 688, 207 USPQ at 276.

Moreover, inspection of the declaration filed January 7, 2002, reveals the same execution dates as the declaration filed May 25, 2001, and, as such, the later filed declaration appears to be a

photocopy of the earlier declaration. However, since the later-filed declaration has been amended to now include the citizenship of the inventors, and such amendment occurred subsequent to signature, it cannot be accepted. See MPEP 206.01. A new declaration is required.

In addition, investigation reveals that application number 09/701,933 lists as a sole inventor, Jamie M. Grooms. The present application, which claims priority to application number 09/701,933, does not list Jamie M. Grooms as an inventor. Thus application number 09/701,933 does not appear eligible for a priority claim within the meaning of 35 USC 120 and 37 CFR 1.78.

Finally, application number 09/701,933 has yet to receive a filing date. Petitioner can not claim the benefit of 09/701,933 as there is no filing date from which a benefit may be claimed.

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 South Clark Place
Arlington, Virginia 22202

Telephone inquiries concerning this matter should be directed to petitions attorney Derek L. Woods at (703) 305-0014.

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

Conferee: Brian Hearn

OIPE
SEP 0 3 2002
PATENT & TRADEMARK OFFICE

GY 1615

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
SEP 0 9 2002
TECH CENTER 1600/2900

Applicant(s): **Bianchi *et al.***
Application No.: **09/782,594**
Filed: **2/12/2001**
Title: **ASSEMBLED IMPLANT**
Attorney Docket No.: **RTI-112R**

#15

Group Art Unit: **1615**

RESPONSE TO DECISION DISMISSING PETITON UNDER 37 C.F.R. §1.78(a)(3)

Commissioner for Patents
Washington, D.C. 20231

COPY OF PAPERS
ORIGINALLY FILED

Sir:

This is in response to the attached Decision on the Response to Decision dismissing Petition under 37 C.F.R. §1.78(a)(3), dated May 10, 2002. Applicants provide the following items and remarks:

(X) Third Preliminary Amendment. It is the Applicants assertion that this Preliminary Amendment addresses the Officer's concerns with respect to the language contained in the "Cross-Reference to Related Applications" section of the application. If the Officer believes that the language still does not comply with the rules, Applicants request that the undersigned be notified so that a supplementary amendment may be provided.

(X) Executed Declaration and Power of Attorney. The attached Decision states that previously filed Declaration is defective. On July 18, 2002, the undersigned discussed the requirements for the Declaration with Officer Woods. In accord with the understanding reached between the undersigned and Officer Woods, Applicants provide herewith a Supplemental Declaration signed by P.J. Gorham and Michael Esch, which correctly states their citizenship. This supplemental oath is submitted to address the omission in citizenship on the previously submitted Declaration. Applicants respectfully request that the Officer call the undersigned if he believes that the Supplemental Declaration does not meet requirements under the patent rules.

(X) The filing receipt for 09/701,933. The attached Decision states that Application No. 09/701,933 does not have a filing date, and therefore no application can claim priority to it. The enclosed filing receipt demonstrates that the '933 application does indeed have a filing date. Furthermore, the enclosed filing receipt shows that Kevin Carter is named as an inventor, who is also named as an inventor in the present 09/782,594 application. Applicants request that the Officer call the undersigned should he be of the opinion that any issues remain with respect to claiming priority to the '933 application.

(X) Petition and Fee for a Two-Month Extension of Time.

(X) Payment is by Credit Card. Form PTO-2038 is attached.

RECEIVED
SEP 1 3 2002
OFFICE OF PETITIONS

In view of the foregoing items, Applicants request reconsideration of the Dismissed Petition under 37 C.F.R. §1.78(a)(3).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 08/23/02

Typed Name: Timothy H. Van Dyke

Signature:

Respectfully submitted,

By

Timothy H. Van Dyke, Reg. No. 43,218

Date: 08/23/02

Customer No: 29847
Van Dyke & Associates, P.A.
772 Lake Ellenor Drive, Suite 252
Orlando, FL 32803
Phone: 407-228-0328; Fax: 407-228-0329

SEP 0 3 2002
PATENT & TRADEMARK OFFICE
JC32

RECEIVED
SEP 0 9 2002
TECH CENTER 1600/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

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

cts
Date received 5/16/02
Docketed 5/16/02 By MMC
Timely response due 7/16/02
Last date to file response 7/16/02

RECEIVED
MAY 16 2002
USPTO

Paper No. 14

TIMOTHY H. VAN DYKE
BENCEN & VAN DYKE, P.A.
1630 HILLCREST STREET
ORLANDO, FLORIDA 32803

COPY MAILED
MAY 10 2002
OFFICE OF PETITIONS

In re Application of :
John R. Bianchi et al. :
Application No. 09/782,594 : DECISION GRANTING DECISION
Filed: February 12, 2001 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. RTI-112R :

This is a decision on the Response to Decision Dismissing Petition under 37 CFR 1.78(a)(3), filed January 7, 2002, to accept an unintentionally delayed claim under 35 USC 120 for the benefit of two prior filed copending nonprovisional applications, numbers 08/920,630, filed August 27, 1997, and 09/701,933, filed August 25, 1998. A petition for a five (5) month extension of time is also requested and is hereby granted.

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 1.78." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

A petition to accept an unintentionally delayed claim for the benefit of two prior filed copending applications, filed July 25, 2001, was dismissed by this Office in a Decision mailed on September 5, 2001, because a reference to the subject two prior nonprovisional applications had not been included in an ADS as provided by 37 CFR 1.76 or in the first sentence of the specification following the title as required by 37 CFR 1.78(a)(2). Also, the statement in the first line of the specification which stated that "[t]his application is a continuation-in-part of pending provisional application serial number 60/181,622" was improper.

RECEIVED
SEP 13 2002
OFFICE OF PETITIONS

It was noted in the Decision that, in this regard, an application claiming the benefits of a provisional application under 35 USC 119(e) should not be called a continuation, a division, or a

COPY OF PAPERS
ORIGINALLY FILED

continuation-in-part. Note MPEP 201.07, 201.08 and 306.01. It was also noted that it appeared that incorrect application numbers were included in the claim for priority under 35 USC 120 in the first sentence of the specification following the title; namely, "09/370,194" should have read -- 09/390,194[1] -- and "09/191,132" should have read -- 09/191,232 -- . It was further noted that the incorrect application numbers also appeared in the executed declaration received May 25, 2001.

A further review of the file record disclosed that the reply to the Notice to File Missing Parts (Notice) was defective in that the executed Declaration and Power of Attorney lacked the citizenship of inventors P. J. Gorham and Michael Esch as required by 35 USC 115. A declaration in compliance with 35 USC 115 and 37 CFR 1.63(a)(3) was required.

Finally, it was noted that the preliminary amendment under 37 CFR 1.115 accompanying the instant petition was unsigned. A signed amendment was required if petitioner desired to have the preliminary amendment considered.

Applicable Law

A petition under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2), and must be filed during the pendency of the nonprovisional application. In addition, the petition must accompanied by:

(1) the surcharge as set forth in 37 CFR 1.17(t);

(2) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2) and the date the claim was filed as unintentional; and

(3)the reference to the prior filed nonprovisional application, supplied in an application data sheet, or as an amendment in the first sentence following the title. *See* 35 USC 120 and 37 CFR 1.78(a)(2). The Commissioner may require additional information where there is a question whether the delay was unintentional.

---

[1]It is noted that the application serial number should have read 09/390,174. Petitioner has made this correction on the Second Preliminary Amendment submitted with the instant petition.

The Instant Petition

This petition lacks item (3).

The first line of the specification has been amended to state:

> This application is a continuation-in-part of pending application serial numbers 09/191,232, filed on November 13, 1998, pending; and of 09/378,527, filed on August 20, 1999, pending; and of 09/390,174, filed on September 7, 1999, pending, and of 29/123,227, filed on May 12, 2000, pending. This application is also related to provisional application serial number 60/181,622, filed February 10, 2000, and to non-provisional application number 08/920,630, filed August 27, 1997; and of non-provisional application number 09/701,933, filed August 25, 1998. The priority of all of the foregoing is claimed herein under 35 U.S.C. §119 and §120. The subject matter and disclosure of all the foregoing is hereby incorporated by reference as if fully set forth herein.

The application currently claims the benefit of application numbers 60/181,622, filed February 10, 2000; 09/191,232, filed on November 13, 1998; 09/378,527, filed on August 20, 1999, and of 09/390,174, filed on September 7, 1999.

The applications for which the benefit is sought are application numbers 29/123,227, filed May 12, 2000; 08/920,630, filed August 27, 1997, and 09/701,933, putatively filed on August 25, 1998. However, Petitioner has not indicated the relationship of the applications for which the benefit is sought and the instant application as required by 37 CFR 1.78(a)(2). That section provides that

> [e]xcept for a continued prosecution application filed under 37 CFR 1.53(d), any nonprovisional application claiming the benefit of one or more prior filed copending nonprovisional applications or international applications designating the United States of America must contain a reference to each such prior application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date and *indicating the relationship of the applications*. (Emphasis supplied)

Here, Petitioner has not indicated the relationship of the

applications, but simply provided that "[t]his application is also related" to the applications for which the benefit is sought. The Manual for Patent Examining Procedure ("MPEP") §201.11, provides that

> "[w]hen a nonprovisional application (other than a CPA) is entitled under 35 U.S.C. 120 to an earlier U.S. effective filing date, a statement such as 'This is a division (continuation, continuation-in-part) of Application No. ---, filed ---' should appear as the first sentence of the description or in an application data sheet, except in the case of a design applications . . . ."

Petitioner must amend the specification to state the relationship of the instant application to the application(s) for which the benefit is sought.

Further, the proposed amendment lumps together, and thus confuses, claims for the benefit under both 35 USC 119(e) and 35 USC 120. As noted above, it is inappropriate for applicant to denote a given application as continuation of a continuation-in-part of a provisional application. The proposed amendment is also improper for another reason: where it attempts to incorporate by reference, after the filing date, one or more previous applications. The proposed amendment under 35 USC 120 cannot be accepted as drafted since it improperly incorporates by reference the prior applications. Petitioner's attention is directed to *Dart Industries v. Banner*, 636 F. 2d 684, 207 USPQ273 (C.A.D.C. 1980), where the court drew a distinction between the permissible 35 USC 120 statement, and the inpermissible introduction of new matter by way of incorporation by reference in a 35 USC 120 statement. The court specifically stated:

> Nothing in section 120 itself operates to carry forward any disclosure from an earlier application. *In re deSeversky, supra* at 674, 177 USPQ at 146-147. Section 120 contains no magical disclosure-augmenting powers able to pierce new matter barriers. It cannot, therefore "limit" the absolute and express prohibition against new matter contained in section 251 [or 132]. *Id.* At 688, 207 USPQ at 276.

Moreover, inspection of the declaration filed January 7, 2002, reveals the same execution dates as the declaration filed May 25, 2001, and, as such, the later filed declaration appears to be a

photocopy of the earlier declaration. However, since the later-filed declaration has been amended to now include the citizenship of the inventors, and such amendment occurred subsequent to signature, it cannot be accepted. See MPEP 206.01. A new declaration is required.

In addition, investigation reveals that application number 09/701,933 lists as a sole inventor, Jamie M. Grooms. The present application, which claims priority to application number 09/701,933, does not list Jamie M. Grooms as an inventor. Thus application number 09/701,933 does not appear eligible for a priority claim within the meaning of 35 USC 120 and 37 CFR 1.78.

Finally, application number 09/701,933 has yet to receive a filing date. Petitioner can not claim the benefit of 09/701,933 as there is no filing date from which a benefit may be claimed.

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 South Clark Place
Arlington, Virginia 22202

Telephone inquiries concerning this matter should be directed to petitions attorney Derek L. Woods at (703) 305-0014.

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

Conferee: Brian Hearn

SEP 03 2002 PATENT & TRADEMARK OFFICE

COPY OF PAPERS
ORIGINALLY FILED

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
09/701,933	08/20/2001	3738	2598	TB-1041A-US	22	65	15

CONFIRMATION NO. 1292

FILING RECEIPT

OC000000007612284

Timothy H Van Dyke
Bencen & Van Dyke
1630 Hillcrest Street
Orlando, FL 32803

RECEIVED
SEP 09 2002
TECH CENTER 1600/2900

Date Mailed: 03/15/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. 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)

Tom Sander, Alachua, FL;
Kevin C. Carter, Alachua, FL;
Loic Josse, Palais, FRANCE;
Lawrence M. Bovd, Memphis, TN;

RECEIVED
MAR 21 2002

Domestic Priority data as claimed by applicant

THIS APPLICATION IS A 371 OF PCT/US98/17769 08/27/1998 AND A CIP OF 08/920,630 08/27/1997 ABN

Foreign Applications

Projected Publication Date: Not Applicable, filed prior to November 29,2000

Non-Publication Request: No

Early Publication Request: No

CTS
Date received 3/21/02
Docketed 3/26/02 By MM2
Timely response due_____
Last date to file response_____

Title

Cortical bone cervical smith-robinson fusion implant

Preliminary Class

623

LICENSE FOR FOREIGN FILING UNDER
Title 35, United Stat s 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 Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); 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. 19

DONALD J. POCHOPIAN
ANDREWS, HELD, & MALLOY, LTD.
CITICORP CENTER, 34TH FLOOR
500 WEST MADISON STREET
CHICAGO, IL 60661

COPY MAILED

MAY 2 1 2003

OFFICE OF PETITIONS

In re Application of
John R. Bianchi et al.
Application No. 09/782,594
Filed: February 12, 2001
Title of Invention: ASSEMBLED IMPLANT

DECISION GRANTING DECISION UNDER 37 CFR 1.78(a)(3)

This is a decision on the Response to Decision Dismissing Petition under 37 CFR 1.78(a)(3), filed September 3, 2002, and supplemented via facsimile on March 28, 2003, and May 12, 2003, to accept an unintentionally delayed claim under 35 USC 120 for the benefit of prior filed copending nonprovisional applications, numbers 08/920,630, filed August 27, 1997; 09/191,232, filed November 13, 1998, now U.S. patent 6,482,584; 09/378,527, filed August 20, 1999; 09/722,205, filed November 25, 2000; 09/390,174, filed September 7, 1999; and 29/123,227, filed May 12, 2000. A petition for a five (5) month extension of time is also requested and is hereby granted.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition 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;[1]

---

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-

(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 Commissioner may require additional information where there is a question whether the delay was unintentional.

Background

A petition to accept an unintentionally delayed claim for the benefit of two prior filed copending applications, filed July 25, 2001, was dismissed by this Office in a Decision mailed on September 5, 2001, because a reference to the subject two prior nonprovisional applications had not been included in an ADS as provided by 37 CFR 1.76 or in the first sentence of the specification following the title as required by 37 CFR 1.78(a)(2). Also, the statement in the first line of the specification which stated that "[t]his application is a continuation-in-part of pending provisional application serial number 60/181,622" was improper.

Petitioner responded with a petition filed on January 7, 2002. That petition was dismissed by this Office in a decision mailed on May 10, 2002 because it lacked item (1) *infra*. Petitioner had not indicated the relationship of the applications for which the benefit was sought and the instant application as required by 37 CFR 1.78(a)(2).

Petitioner was required to amend the specification to state the relationship of the instant application to the application(s) for which the benefit was sought. Petitioner was further advised that the proposed amendment had lumped together, and thus confused, claims for the benefit under both 35 USC 119(e) and 35 USC 120. As was noted above, it is inappropriate for applicant to denote a given application as continuation of a continuation-in-part of a provisional application. The proposed amendment was also improper for another reason: where it attempted to incorporate by

---

filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

reference, after the filing date, one or more previous applications. The proposed amendment under 35 USC 120 could not be accepted as drafted since it improperly incorporated by reference the prior applications.

The Instant Petition

The instant pending application was filed on February 12, 2001, and was pending at the time of filing of the instant petition. A reference to the prior-filed nonprovisional application has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

Also, the instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Further to this, the reference to the prior-filed application was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed application satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit 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. § 120 and 37 CFR 1.78(a)(1) and (a)(2) 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 nonprovisional application, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit

2831 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to prior-filed nonprovisional Application Nos.numbers 08/920,630, filed August 27, 1997; 09/191,232, filed November 13, 1998, now U.S. patent 6,482,584; 09/378,527, filed August 20, 1999; 09/722,205, filed November 25, 2000; 09/390,174, filed September 7, 1999; and design application No. 29/123,227, filed May 12, 2000.

ATTACHMENT: Corrected Filing Receipt

Telephone inquiries concerning this matter should be directed to petitions attorney Derek L. Woods at (703) 305-0014.

Beverly M. Flanagan
Supervisory 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. 6

FISH & RICHARDSON P.C.
500 ARGUELLO STREET
SUITE 500
REDWOOD CITY, CA 94063

COPY MAILED

APR 2 8 2003

OFFICE OF PETITIONS

In re Application of :
Nathaniel M. McCully :
Application No. 09/782,597 : ON PETITION
Filed: February 12, 2001 :
Attorney Docket No. 07844-412001 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 25, 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 Nonprovisional Application mailed March 13, 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 May 14, 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). Since the request for extension of time submitted with the petition on November 25, 2002 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account number 06-1050 as authorized.

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

COPY MAILED

NOV 2 1 2006

OFFICE OF PETITIONS

FISH & RICHARDSON PC
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re	:	
Nathaniel M. McCully	:	DECISION REGARDING
Application No. 09/782,597	:	PATENT TERM ADJUSTMENT
Filed: February 12, 2001	:	
Docket No. 07844-410221 / P376	:	

This decision is in response to the "LETTER REGARDING PATENT TERM ADJUSTMENT", filed September 1, 2006, requesting correction of the patent term adjustment (PTA) indicated on the patent.

The request is **DISMISSED**.

The Office determined a patent term adjustment of two hundred twenty-seven (227) days based on an adjustment for PTO delay of seven hundred thirteen (71) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), one hundred five (105) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. § 1.703(a)(2), fifteen (15) days pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. § 1.703(a)(3), and seven (7) days

pursuant to 35 U.S.C. 154(b)(1)(A)(iv) and 37 C.F.R. § 1.703(a)(6), reduced by five hundred thirty (530), thirty-one (31), and thirty-four (34) days of applicant delay pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. § 1.704(b), and eighteen (18) days pursuant to 35 U.S.C. 154(b)(2)(C)(i) and 37 C.F.R. § 1.704(c)(10).

A review of the application does not reveal any errors in patentee's favor in the calculation of the patent term adjustment. To the extent that patentee is aware of any specific error in the PTA calculation, patentee should so advise the Office.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

MAR 13 2006

OFFICE OF PETITIONS

FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

In re Application of :
Goswami, et al. : DECISION ON APPLICATION
Application No. 09/782,604 : FOR PATENT TERM ADJUSTMENT
Filed: February 14, 2001 :
Atty. Dkt. No.: 056859-0117 :

This is a decision on the "REQUEST FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR 1.705," filed November 22, 2004. This matter is being properly treated under 37 CFR 1.705(b) as a timely filed application for patent term adjustment.

The application for patent term adjustment under 37 CFR 1.705(b) is hereby **GRANTED TO THE EXTENT INDICATED HEREIN**.

The correct patent term adjustment (PTA) at the time of the allowance is 181 days. The Office will adjust the PAIR screen to reflect that the PTA determination at the time of mailing of the instant letter reflects an adjustment of 181 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicants request that the Determination of Patent Term Adjustment be corrected from zero days, as indicated on the Determination of Patent Term Adjustment mailed August 23, 2004, to an adjustment of 257 days.

A review of the application history reveals that as of the time of allowance, an overall adjustment of 305 days can be attributed to the Office. In accordance with 37 CFR 1.702(a)(1), an adjustment of 296 days can be attributed to the Office for failure to mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed. The adjustment began April 15, 2002, the day after the date that is 14 months after the date that the application was filed, and ended February 4, 2003, the date the restriction requirement was mailed. *See* 37 CFR 1.703(a)(1).

A further adjustment of nine days can be attributed to the Office in accordance with 37 CFR 1.702(a)(2) for failure to respond to a

reply under 35 U.S.C. 132 or to an appeal taken under 35 U.S.C. 134 not later than four months after the date on which the reply was filed or the appeal was taken. The adjustment began August 4, 2003, the day after the date that is four months after the date that a response to the restriction requirement was filed, and ended August 12, 2003, the date that the non-final Office action was mailed. See 37 CFR 1.703(a)(2).

The adjustment of 305 days is reduced a total of 124 days for applicants' failure to engage in reasonable efforts to conclude prosecution.

The adjustment of 305 is reduced 91 days in accordance with 37 CFR 1.704(b) in connection with the reply filed December 13, 2001 in response to the Notice to File Missing Parts (Notice) mailed June 13, 2001. The reduction began September 14, 2001, the day after the date that is three months after the date that the Notice was mailed, and ended December 13, 2001, the date the reply was filed.

The adjustment of 305 days is further reduced 33 days in accordance with 37 CFR 1.704(b) in connection with the reply filed June 1, 2004 in response to the non-final Office action mailed January 29, 2004. The reduction began April 30, 2004, the day after the date that is three months after the date that the non-final Office action was mailed, and ended June 1, 2004, the date a reply was filed.

In view thereof, at the time of allowance, the application was entitled to an adjustment of 181 days.

Receipt is hereby acknowledged of the required Patent Term Adjustment application fee of $200.00.

This application is being forwarded to the Publications Division for processing into a patent.

The patent term adjustment indicated in the patent will include any additional patent term accrued pursuant to §§ 1.702(a)(4) and 1.702(b).

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions
Office of 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. 6629050
Issue Date: September 30,2003
Application No. 09782617
Filed: February 13,2001
Attorney Docket No. 261/161

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

This is a decision on the electronic petition, filed May 15,2009 ,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 15,2009 . 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.

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)
6629050	2003-09-30	09782617	2001-02-13	6629050

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

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

NOT Small Entity

	Fee	Code
◉	3 ½ year	(1551)
○	7 ½ year	(1552)
○	11 ½ year	(1553)

Small Entity

	Fee	Code
○	3 ½ year	(2551)
○	7 ½ year	(2552)
○	11 ½ year	(2553)

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

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

MAILED

OCT 13 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

Ladas & Parry
26 West 61st Street
New York NY 10023

In re Application of:
Saki Itzchak Hakim, et al.
Application No.: 09/782,626
Filed: February 13, 2001
For: **MULTIPLE OPTICAL INPUT INSPECTION SYSTEM**

DECISION ON PETITION UNDER 37 CFR § 1.181 TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on the petition filed August 8, 2005, to withdraw holding of abandonment 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 respond in a timely and effective manner to the Final Office action mailed July 1, 2004. A Notice of Abandonment was mailed July 26, 2005.

In support of the petition, petitioners have provided a copy of a Request for Continued Examination and accompanying amendment and filing fee, and petition and fee for two months extension of time. A copy of a date-stamped postcard evidencing receipt of these documents on December 1, 2004 has also been provided.

A review of the file record finds that Applicant's original request for RCE (received in the USPTO on December 1, 2004), has since been matched with the file. Furthermore, a review of the USPTO Revenue Management and Accounting (RAM) records finds that the check for the extension of time and filing fees was received on December 1, 2004 and processed on December 3, 2004. Accordingly, the record is clear that the application was ***not abandoned in fact*** and a Notice of Abandonment should not have been issued.

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 the Technology Center support staff for processing of the RCE and accompanying amendment. From there, the application will be forwarded to the examiner for appropriate action in due course.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

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)
6517854	2003-02-11	09782676	2001-02-13	1982.004

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

SMALL ENTITY

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

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Michael Slavin/	Date (YYYY-MM-DD)	2008-06-30
Name	Michael A. Slavin	Registration Number	34016

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. 6517854
Issue Date: February 11,2003
Application No. 09782676
Filed: February 13,2001
Attorney Docket No. 1982.004

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

This is a decision on the electronic petition, filed June 30,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 30,2008 . 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.

#8
DW

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAR 10 2003

Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

MAILED

MAR 10 2003

OFFICE OF THE DIRECTOR
TC 3600

In re application of
Walter W. Lee
Application No. 09/782,681 : DECISION ON REQUEST
Filed: February 12, 2001 : FOR WITHDRAWAL OF
For: IDENTIFICATION AND MANAGEMENT OF FRAUDULENT CREDIT/DEBIT CARD PURCHASES AT MERCHANT ECOMMERCE SITES : ATTORNEY

This is a decision on the request filed on November 4, 2002, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved because the request does not comply with conditions A) and B) above.

As to condition A), there is a single attorney signing the request on behalf of attorneys associated with Customer No. 00758. There are currently seven attorneys of record in this application based upon the original declaration. All must sign or one must clearly sign on behalf of the others. The reference to a customer number appears to not include all the attorneys of record. If less than all the attorneys wish to withdraw and a portion of the originally listed attorneys wish to retain power, any renewed request must so state, otherwise the person signing must be signing on behalf of all the attorneys of record

As to condition B), there is nothing in the file record that indicates the existence of an assignee or that the assignee is the client. Absent a 3.73(b) statement, the "client" referred to in 37 CFR 10.40 is seen as being those individuals who conferred power upon the attorneys, in this case the inventors.

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868
(703) 605-0586 (facsimile)

SNM/tpl: 3/6/03

- UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-145

SEP - 7 2004

MAILED

SEP - 7 2004

OFFICE OF THE DIRECTOR
TC 3600

GLENN PATENT GROUP
3475 Edison Way
Suite L
Menlo Park, CA 94025

In re application of
Walter W. Lee et al :
Application No. 09/782,681 : **DECISION ON REQUEST**
Filed: February 12, 2001 : **FOR WITHDRAWAL OF**
For: IDENTIFICATION AND MANAGEMENT OF : **ATTORNEY**
FRAUDULENT CREDIT/DEBIT CARD PURCHASES
AT MERCHANT ECOMMERCE SITES

This is a decision on the request filed on November 04, 2002, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

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

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in this application is not approved as moot because a revocation to FENWICK & WEST LLP and a new power of attorney to the attorneys of GLENN PATENT GROUP were submitted to the United States Patent and Trademark Office on February 03, 2003. The power of attorney therefore has already been withdrawn as per the Notice to that effect mailed February 03, 2003.

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/pav: 9/02/04

CC: FENWICK & WEST LLP
Two Palo Alto Square
Palo Alto, CA 94306

Fair, Isaac and Company Inc.
200 Smith Ranch Road
San Rafael, CA 94903-5551

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

DEC 5 2003

DEC - 2 2003 VOID

FULBRIGHT AND JAWORSKI, LLP
666 FIFTH AVENUE
NEW YORK, NEW YORK 10103-3198

In re Application of	:
VAN DER BRUGGEN et al	:
Serial No.: 09/782,745	: Decision on Petition
Filing Date: 13 FEBRUARY 2001	:
Attorney Docket No. 7125	:

This letter is in response to the Petition filed under 37 CFR 1.144, to withdraw the restriction requirement, filed with a certificate of mailing date of 16 May 2003. The petition has only recently reached the deciding official and delay in acting on this petition is regretted.

BACKGROUND

A review of the file history shows that the application was filed on 13 February 2001 under 35 USC 111(a). A Preliminary Amendment canceled original claims 1-22 and added claims 23-31, directed to nucleic acid molecules, isolated cells, expression vectors and kits. The independent claim is reproduced below:

> 23. An isolated nucleic acid molecule which encodes a GAGE tumor rejection antigen precursor, the amino acid sequence of which is set forth in SEQ ID No: 27, 28, 29, 30 or 31.

In Paper No. 11, mailed 1 May 2002, the Office restricted claims 23-31 into 5 patentably distinct groups, as summarized below:

Group I, Claims 32-40, in part, drawn to an isolated nucleic acid molecule which encodes a GAGE tumor precursor antigen, the amino acid sequence of which is set forth in SEQ ID No. 27.

Group II, Claims 32-40, in part, drawn to an isolated nucleic acid molecule which encodes a GAGE tumor precursor antigen, the amino acid sequence of which is set forth in SEQ ID No. 28.

Group III, Claims 32-40, in part, drawn to an isolated nucleic acid molecule which encodes a GAGE tumor precursor antigen, the amino acid sequence of which is set forth in SEQ ID No. 29.

Group IV, Claims 32-40, in part, drawn to an isolated nucleic acid molecule which encodes a GAGE tumor precursor antigen, the amino acid sequence of which is set forth in SEQ ID No. 30.

Group V, Claims 32-40, in part, drawn to an isolated nucleic acid molecule which encodes a GAGE tumor precursor antigen, the amino acid sequence of which is set forth in SEQ ID No. 31.

Each Group, also containing kits, host cells and expression vectors, was classified in Class 536, subclass 23.5, and Class 435, subclasses 252.3, 320.1 and 975.

The Office reasoned that Inventions I, II, III, IV and V were different products, distinct because their structure was different and they may derive from different genes, which requires non-coextensive searches.

The restriction requirement also included a species election between a type of HLA molecule, review of which was not requested in this petition decision.

Applicant elected Group I, the nucleic acid molecule encoding GAGE-2, which is amino acid sequence set forth in SEQ ID No 27 and encoded by SEQ ID No. 14, with traverse. Applicants argued

> ...that GAGE-2 through 6 are closely related. Note, e.g, figures 4 and 5. Classification for each sequence is precisely the same. The examiner alleges that non-co-extensive searches would be required, but provides no evidence to support this.

In Paper No. 13, mailed 9 August 2002, the examiner considered the arguments but deemed them not to be persuasive as follows:

> The isolated nucleic acid molecules encoding GAGE-2 through GAGE-6 are different nucleic acid molecules and entail separate searches in the nucleic acid databases. The restriction requirement was made final.

Claims 32-40 were examined to the extent that they read upon GAGE-2. Claim 32 was objected to for being dependent upon a rejected base claim. Claims 32 and 33-40 were rejected under 35 USC 112, first paragraph for new matter, because "the specification does not support an isolated nucleic acid molecule which is not one of SEQ ID NO 14, 15, 16, 17 or 18." SEQ ID No. 14 and 27 were considered free of the prior art.

Applicants responded by canceling claims 32-40 and adding new claims 41-51.

Independent claim 41 is reproduced below:

> 41. An isolated nucleic acid molecule which encodes a GAGE tumor rejection antigen precursor, the nucleotide sequence of which is set forth in SEQ ID No: 14, 15, 16, 17 or 18.

This petition was then filed.

DISCUSSION

The application, file history and petition have been considered carefully.

The petition states that the examiner held the claims not reciting specific nucleotide sequences to be non-enabled. To clarify the record, these claims were rejected under 35 USC 112, first paragraph, for lack of written description and for new matter.

The petition argues that only 5 sequences are claimed. The petition argues that there is an extremely high degree of identity amongst SEQ ID Nos. 15-18, as figures 4A-4B show. It is noted that SEQ ID Nos. 15-18 correspond to non-elected Groups II-IV, respectively, and do not include the group under examination. The petition also states that the amino acid sequences of the proteins encoded by these nucleotide sequences do not show exceptional differences.

The petition cites MPEP 803.04, providing part in support of the argument:

> Nevertheless, to further aid the biotechnology industry in protecting its intellectual property without creating an undue burden on the Office, the Commissioner has decided sua sponte to partially waive the requirements of 37 CFR 1.141 et seq. and permit a reasonable number of such nucleotide sequences to be claimed in a single application. See Examination of Patent Applications Containing Nucleotide Sequences, 1192 O.G. 68 (November 19, 1996). It has been determined that normally ten sequences constitute a reasonable number for examination purposes. Accordingly, in most cases, up to ten independent and distinct nucleotide sequences will be examined in a single application without restriction. In addition to the specifically selected sequences, those sequences which are patentably indistinct from the selected sequences will also be examined. Furthermore, nucleotide sequences encoding the same protein are not considered to be independent and distinct inventions and will continue to be examined together. In some exceptional cases, the complex nature of the claimed material, for example a protein amino acid sequence reciting three dimensional folds, may necessitate that the reasonable number of sequences to be selected be less than ten.

Applicants argue that only 5 sequences are claimed and these five SEQ ID Nos. 15-18 share an extremely high degree of identity, as shown in Figures 4A and 4B. While this is correct, since the publication of the Official Gazette Notice in 1996, the DNA and protein databases have grown in size, exponentially. This has had a direct impact upon the USPTO's searching capability. What was once a relative simple search has now become far more burdensome, due both to performing the computer search and the analysis of the search results. The Official Gazette Notice issued back in 1996 was permissive and not a directive. The Notice stated that up to ten sequences may be allowed. One sequence falls within that range of up to ten sequences.

Applicant is correct that all the Groups fall into the same Class and subclass. However, classification is merely one indication of the burdensome nature of the search involved. The sequence search and literature search, both particularly relevant in this art, is not co-extensive and is much more important in evaluating the burden of search. Moreover, a search of SEQ ID No. 14 would not necessarily identify prior art relevant to the examination of SEQ ID No. 15. Further, it is doubted that applicants would readily accept rejection of SEQ ID No. 15 in view of prior art which reads upon SEQ ID No. 14. Clearly different searches and issues are involved in the examination of each group. Thus the searches are not coextensive and search of more than one sequence would be burdensome.

The MPEP clearly states that

> By statute, "[i]f two or more independent and distinct inventions are claimed in one application, the Commissioner may require the application to be restricted to one of the inventions." 35 U.S.C. 121. Pursuant to this statute, the rules provide that "[i]f two or more independent and distinct inventions are claimed in a single application, the examiner in his action shall require the applicant . . . to elect that invention to which his claim shall be restricted." 37 CFR 1.142(a). See also 37 CFR 1.141(a). Nucleotide sequences encoding different proteins are structurally distinct chemical compounds and are unrelated to one another. These sequences are thus deemed to normally constitute independent and distinct inventions within the meaning of 35 U.S.C. 121. Absent evidence to the contrary, each such nucleotide sequence is presumed to represent an independent and distinct invention, subject to a restriction requirement pursuant to 35 U.S.C. 121 and 37 CFR 1.141 et seq. In other cases, applicants may petition pursuant to 37 CFR 1.181 for examination of additional nucleotide sequences by providing evidence that the different nucleotide sequences do not cover independent and distinct inventions.

The claims set forth a group of molecules in the alternative. No linking claim or genus type claim is present that would result in linking claims situation, MPEP 809.03.

The petition filed 16 May 2003 has been considered carefully. Figures 4 and 5 of the specification show a high degree of identity between the various sequences, however this is not evidence that the sequences are not independent and distinct inventions. Absent a

statement from applicant, which clearly sets forth that SEQ ID Nos. 14, 15, 16, 17 and 18 are not patentably distinct, one from another, these inventions will be considered as patentably distinct.

DECISION

The petition is **DENIED** for the reasons set forth above.

Any request for reconsideration of this decision must be made by a renewed petition and must be filed within **TWO MONTHS** of the mailing date of this decision in order to be considered timely.

Should there be any questions with regard to this letter, please contact 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 (703) 308-7553 or by facsimile transmission at (703) 308-7230.

Jasemine C. Chambers

Jasemine Chambers
TC1600 Group Director

CERTIFICATE OF FAXING

I hereby certify that this correspondence is being facsimiled to **Special Program Examiner Julie Burke** whose fax number is **1703 308-7230** and to **Examiner Marianne DiBrino** whose fax number is **1703 872-9306** at the Commissioner of Patents, P.O. BOX 1450, Alexandria, VA 22313-1450 on **December 17, 2003**. By **Fani Malikouzakis**

Signature: Fani Malikouzakis

OIPE
APR 13 2004
PATENT & TRADEMARK OFFICE

LUD 5531.1 DIV(10101429)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s)	:	Thierry Boon-Falleur, et al.
Serial No.	:	09/782,745
Filed	:	February 13, 2001
For	:	ISOLATED NUCLEIC ACID MOLECULES WHICH ENCODE GAGE GENES AND USES THEREOF
Group Art Unit	:	1644
Examiner	:	Marianne DiBrino

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

December 17, 2003

RESPONSE TO DECISION ON PETITION AND TO ADVISORY ACTION

Sir:

The Decision on Petition, dated December 5, 2003, gave applicants a two-month period to respond, i.e., request reconsideration. The Decision states:

> "Absent a statement from applicant, which clearly sets forth that SEQ ID NOS: 14, 15, 16, 17, and 18 are not patentably distinct, one from another, these inventions will be considered patentably distinct."

In response, applicants now hereby state that SEQ ID NOS: 14, 15, 16, 17, and 18 are not patentably distinct. As such, SEQ ID NOS: 15, 16, 17, and 18 should be examined.

It is unclear which time frame applies for response. As noted, supra, the Decision on Petition set forth a 2-month period for response, so the due date would be **February 5, 2004**.

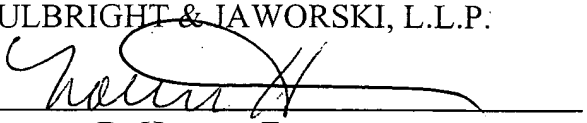
Applicants filed a Notice of Appeal on October 14, 2003, however, and the response would be due on **December 15, 2003**.

Should applicants require one, an extension of time is requested, be it one, two, or three months, and authorization is given to charge Deposit Account No. 500624 for the fees associated therewith.

It is presumed that SEQ ID NOS: 15, 16, 17, and 18 may now be examined.

Respectfully submitted,

FULBRIGHT & JAWORSKI, L.L.P.



Norman D. Hanson, Esq.
Registration No. 30,946

666 Fifth Avenue
New York, New York 10103-3198
Phone: 212-318-3168
Fax: 212-318-3400

UNITED STATES PATENT AND TRADEMARK OFFICE

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

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

COPY MAILED

FEB 0 5 2007

OFFICE OF PETITIONS

In re Application of :
Stein A. Lundby :
Application No. 09/782,751 : ON PETITION
Filed: February 12, 2001 :
Attorney Docket No. 000411 :

This is a decision on the petition filed, September 21, 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 September 21, 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 2618 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

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

COPY MAILED

AUG 2 4 2007

OFFICE OF PETITIONS

In re Application of	:	
David Leigh Donoho et al	:	
Application No. 09/782,754	:	ON PETITION
Filed: February 12, 2001	:	
Attorney Docket No. UNIV0001C	:	

This is a decision on the petition filed August 22, 2007, which is being treated as a petition under 37 CFR 1.313(c)(2), requesting withdrawal of the above-identified application from issue.

The petition is **dismissed** as moot for the reasons stated below.

A review of the file record discloses that a Notice of Allowance was mailed on May 25, 2007, with the issue fee being due on or before August 27, 2007. The issue fee in this case has not been paid.

37 CFR 1.313(c)(2) provides for withdrawal of an application from issue after payment of the issue fee. In the instant case, as noted above, the issue fee in reply to the Notice of Allowance of May 25, 2007, has not been received. Therefore, the filing of a petition to withdraw this application from issue is unnecessary at this time. The mere filing of an RCE and submission will effectively withdraw an application from issue prior to payment of the issue fee. In view thereof, the petition to withdraw from issue is dismissed as involving a moot issue.

Inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center Art Unit 2154.

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. 9

JEANINE S. RAY-YARLETTS
IBM CORPORATION
PO BOX 12195
RESEARCH TRIANGLE PARK, NC 27709

COPY MAILED

JUL 2 1 2004

OFFICE OF PETITIONS

In re Application of :
Renee M. KOVALES et al. :
Application No. 09/782,773 : DECISION ON PETITION
Filed: February 13, 2001 : 37 CFR 1.181
Attorney Docket No. RSW920000128US1 :

This is a decision on the petition under 37 CFR 1.181, received July 31, 2003, requesting deletion or abandonment of a previously filed Request for Continued Examination (RCE), and refund of the RCE filing fee.

The petition is **DISMISSED as moot.**

A non-final Office action was mailed on March 31, 2003, setting a three month shortened statutory period for reply. On June 30, 2003, Applicants filed an amendment in response to the non-final Office action. On July 3, 2003, Applicants filed an RCE accompanied by a submission in the form of a preliminary amendment[1]. On July 31, 2003, Applicants filed a continuation application pursuant to 37 CFR 1.53(b) accompanied by the instant petition, asserting that the July 3, 2003 RCE was filed in error, and requesting deletion or abandonment of the RCE and a refund of the filing fees therefor. No final Office action, Notice of Allowability, or other action closing prosecution was mailed in the instant application.

However, pursuant to MPEP 706.07(h)(III), Technology Center personnel will verify that, *inter alia*, prosecution in an application is closed. Where all of the conditions for filing a proper RCE have not been met, Applicant will be so notified , generally via a "Notice of Improper Request for Continued Examination (RCE)," Form PTO-

[1]The preliminary amendment filed with the instant petition was intended as a preliminary amendment to the continuation application and not a submission within the meaning of 37 CFR 1.114(c).

2051. If prosecution in the application is not closed, Applicant will be notified of the improper RCE and any amendment or reply will be entered. Thereafter, the application will be forwarded to the examiner for consideration of the amendment/reply under 37 CFR 1.111.

The RCE filing fee in the amount of $750 is being credited to petitioner's deposit account 09-0461.

The instant application is being forwarded to Technology Center 2600 for treatment of the improper RCE and subsequent action on the merits of the amendment filed June 30, 2003.

Inquiries regarding this communication should be directed to the undersigned at (703) 305-1820.

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
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 6

Johns Manville International, Inc.
Legal Department
PO Box 5108
Denver, CO 80217

COPY MAILED

NOV 19 2003

OFFICE OF PETITIONS

In re Application of :
Weinstein et al. :
Application No. 09/782,793 : ON PETITION
Filed: February 13, 2001 :
Attorney Docket No. 7147 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 16, 2003, to revive the above-identified application.

The petition is granted.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed April 5, 2001, which set a shortened statutory 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 have been obtained. Accordingly, the application became abandoned on June 6, 2001.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision may be directed to the undersigned at (703) 308-6911.

Latrice Bond

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED

APR 26 2005

OFFICE OF PETITIONS

In re Application of :
Michael K. Kwan, et al. :
Application No. 09/782,794 : ON PETITION
Filed: February 13, 2001 :
Attorney Docket No. 07078-003003 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 13, 2004, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed June 1, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 2, 2004.

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 and publication fees; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a 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.

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
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Reginald J. Suyat
Beyer Weaver & Thomas, LLP
P.O. Box 778
Berkeley, CA 94704-0778

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 S. Yatsko
TRW Inc.
Law Dept.
One Space Park, Bldg. E2/6051
Redondo Beach, CA 90278

COPY MAILED

FEB 2 4 2003

OFFICE OF PETITIONS

In re Application of
Wright et al.
Application No. 09/782,807
Filed: February 14, 2001
Attorney Docket Number: 22-0123

ON PETITION

This is a decision on the petition filed February 5, 2003 under 37 CFR 1.137(a).

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 Corrected Application Papers "Notice" mailed April 6, 2001. 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 June 7, 2001. A Notice of Abandonment was mailed on January 15, 2003.

Petitioner asserts that the Notice to File Corrected Application Papers mailed on April 6, 2001 was never received. Petitioner admits there was a error in the zipcode on the patent application transmittal form. However, petitioner maintains there were several other documents with the proper zipcode in the application file. Petitioner concludes the failure to respond to the Notice was unavoidable due to failure of mail. Petitioner presents a possible chain of events which includes the U.S. Postal Service's "USPS" failure to deliver the "Notice" to the correct address notwithstanding the incorrect zipcode, the possible failure of the USPS to return the undeliverable Notice within ten business days pursuant to the envelope, and the failure of the Patent and Trademark Office to correct the correspondence address of record or contact applicants via telephone.

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 Corrected Application Papers may have been lost after receipt rather than a conclusion that the Notice of Allowance was lost in the mail.

Petition to revive under 37 CFR 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 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

---

[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).

[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.

[3] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

negligence of otherwise reliable employees, the response is not timely received in the Office.[4]

Petitioner's arguments have been considered but they are not persuasive. Essentially petitioner provided two different correspondence addresses with the filing of the application. Where more than one correspondence address is provided, the Office will determine which one to establish as the correspondence address. This determination is conducted on a case by case basis.[5] The Office relies on the correspondence address that is provided with the submission of application papers[6]. Once the correspondence address becomes "of record" the address will remain the same until there is an appropriate request for a change of correspondence address made by an appropriate party.[7] The burden is on the applicant or applicant's representative to provide the correct correspondence address. Failure to provide the appropriate correspondence address on the application transmittal form is not unavoidable. It is foreseeable if an incorrect address is provided to the Patent and Trademark Office, petitioner will likely not receive any correspondence in a timely manner.

To the extent petitioner argues the error in submitting the incorrect address occurred due to the clerical error of the patent administrator, petitioner has failed to provide the required showing to establish this was the cause in the delay.[8]

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

---

[4] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

[5] See MPEP 403.

[6] See 37 CFR 1.33.

[7] The correspondence address will also be changed prior to the filing of a 37 CFR 1.63 oath or declaration with its (the oath or declaration) filing. Id.

[8] A delay resulting from an error (e.g., a docketing error) on the part of an employee in the performance of a clerical function may provide the basis for a showing of "unavoidable" delay, provided it is shown that:
(A) the error was the cause of the delay at issue;
(B) there was in place a business routine for performing the clerical function that could reasonably be relied upon to avoid errors in its performance; and
(C) the employee was sufficiently trained and experienced with regard to the function and routine for its performance that reliance upon such employee represented the exercise of due care. See In re Egbers, 6 USPQ2d 1869, 1872 (Comm'r Pat. 1988), rev 'd on other grounds sub nom., Theodor Groz & Sohne & Ernst Bechert Nadelfabrik KG v. Quigg, 10 USPQ2d 1787 (D.D.C. 1988); In re Katrapat, 6 USPQ2d 1863, 1867-68 (Comm'r Pat. 1988).

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 Petitioner herein was ever empowered to prosecute the instant application. If Petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation and change of correspondence address must be submitted. It is noted the name of the corporation provided on the petition differs from the name of the corporation in the correspondence address of record. 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.

The Office acknowledges receipt of the corrected abstract submitted with the instant petition.

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

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

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

By hand: Office of Petitions
2201 South Clark Place
Crystal Plaza 4, Suite 3C23
Arlington, VA 22202

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

Beverly M. Flanagan
Supervisory Petitions Examiner
Office of Petitions

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Noel F. Heal
Northrop Grumman Corporation
Space Technology
Intellectual Asset Management
One Space Park, Bldg.E2/6051
Redondo Beach, CA 90278

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper 9

Michael S. Yatsko
TRW Inc.
Law Dept.
One Space Park, Bldg. E2/6051
Redondo Beach, CA 90278

COPY MAILED

MAR 26 2003

OFFICE OF PETITIONS

In re Application of
Wright et al.
Application No. 09/782,807
Filed: February 14, 2001
Attorney Docket No. 22-0123

DECISION ON PETITION

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

This above-identified application became abandoned for failure to file a response to a Notice to File Corrected Application Papers which was mailed on April 6, 2001. The Notice to File Corrected Application Papers set a two (2) month period for reply. No extensions of time were obtained under the provisions of 37 CFR §1.136(a). Accordingly, this application became abandoned on June 7, 2001. A Notice of Abandonment was mailed on January 15, 2003. A petition filed under 37 CFR 1.137(a) was dismissed on February 24, 2003.

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

Deposit account 20-1515 has been charged the $1300.00 unintentional petition to revive fee.

The Office acknowledges receipt of the Amendment submitted with the instant petition.

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

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 306-0251.

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

Paper No. 5

Needham James Boddie, II
Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, North Carolina 27627

MAIL

MAY 15 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Gary D. Deen et al.)
Application No. 09/782,809)
Filed: February 14, 2001)
For: E-COMMERCE BID AND PROJECT MANAGEMENT SYSTEM AND METHOD FOR THE CONSTRUCTION INDUSTRY)

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request to Withdraw from Representation filed February 22, 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. 37C.F.R. § 1.136 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is deficient in the following aspects: (1) the United Patent and Trademark Office (Office) does not recognize firms - each attorney for whom withdrawal is requested must be individually listed; and (2) there is no indication that the applicant has been notified of the request for withdrawal. Therefore, the request is **DENIED**.

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

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

Paper No. 7

Myers Bigel Sibley & Sajovec, P.A.
P.O. Box 37428
Raleigh, North Carolina 27627

MAIL

JUL 15 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Gary D. Deen et al.
Application No. 09/782,809
Filed: February 14, 2001
For: METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR CONTROLLING DEVICES THROUGHOUT A NETWORK VIA A NETWORK TRANSLATION DEVICE

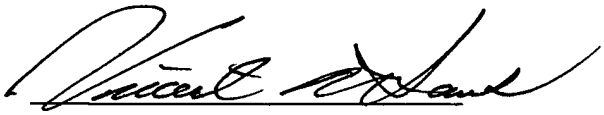
DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed June 11, 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.



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

cc: Don Witmer, Chairman and CEO
Home Director, Inc. c/o Digital Interiors, Inc.
7132 Santa Teresa Blvd.
San Jose, CA 95139

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 9

ARTER & HADDEN, LLP
1100 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND OH 44115-1475

MAIL

NOV 26 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Ledbetter, Michael :
Application No. 09/782,813 :
Filed: February 14, 2001 :
For: **METHOD AND SYSTEM FOR DISTRIBUTING AN EVENT** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on October 21, 2002.

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 met all of the above. Accordingly, the request is **GRANTED**.

All attorneys and agents of Customer Nos. 23380 are removed from 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.

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

cc: Michael Ledbetter
5220 Gately Avenue
Richmond, CA 94804

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Joseph T. Guy, Ph.D.
Nexsen Pruet Jacobs & Pollard LLP
201 W. McBee Avenue
Greenville, SC 29601

COPY MAILED

SEP 14 2005

OFFICE OF PETITIONS

In re Application of :
Quintens et al. :
Application No. 09/782,835 : DECISION ON PETITION
Filed: February 14, 2001 :
Attorney Docket No. 27500/016 :

This is a decision on the "Petition to Revive Unavoidably Abandoned Application Alternative Petition to Revive Unintentionally Abandoned Application," filed on August 1, 2005.

On June 7, 2004, the Examiner mailed a final Office action, which set a three-month shortened statutory period to reply. On September 2, 2004, petitioner submitted an amendment in response to the Office Action. Thereafter, on October 8, 2004 (certificate of mailing dated October 6, 2004), petitioner filed a notice of appeal and a request for an extension of time for response within the first month, as well as paid the requisite fees. However, petitioner failed to submit an appeal brief (and appeal brief fee) within two months of the date of receipt of the notice of appeal in the USPTO pursuant to 37 CFR 1.192(a). As no claims were allowed, the above-identified application became abandoned December 9, 2004. See MPEP 1206.

On June 23, 2005, petitioner submitted a request for continued examination (RCE) with the appropriate fee. On June 30, 2005, the Examiner mailed an Advisory Action Before the Filing of an Appeal Brief, stating that the amendment filed on September 2, 2004, failed to *prima facie* place the application in condition for allowance. On July 14, 2005, the Office mailed a Notice of Abandonment.[1] On July 22, 2005, the Examiner mailed a Notice of Improper Request for Continued Examination (RCE), indicating that the RCE filed on June 23, 2005, was improper because petitioner did not timely file it. On August 1, 2005, petitioner filed the present petition, a RCE, a preliminary amendment, and an authorization to charge the necessary fees.

[1] The Notice of Abandonment indicated that the application became abandoned for failure to properly reply to the final Office action of June 7, 2004. However, the application became abandoned on December 9, 2004, for failure to file a timely appeal brief.

Petition under 37 CFR 1.137(a)

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. 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(l);
>
> (3) A 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 this paragraph was unavoidable; and
>
> (4) Any terminal disclaimer (and fee set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

This petition lacks item and (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.[2] 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 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. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

In the present petition, petitioner stated that the delay in filing a timely response "was due to the failure of the Office to indicate the disposition of the previous action." *Petition of August 1, 2005, p. 3.* Petitioner further explained that petitioner "was not able to ascertain if the previous comments [and] remarks were sufficient to overcome the rejections." Id.

The Office notes that it is incumbent upon an applicant to take steps to ensure against abandonment of an application. The Office reminds petitioner that the above-identified application became abandoned because petitioner failed to submit a timely appeal brief within the period set forth in 37 CFR 1.192(a). In the present case, petitioner did not provide any explanation or documentation demonstrating why he was unavoidably delayed from filing an appeal brief (and appeal brief fee) within two months of the Notice of Appeal filed on October 8, 2004, or obtaining an extension of time.

Rather, petitioner asserted that the delay was unavoidable because the USPTO failed to indicate if his previous comments and remarks were sufficient to overcome the rejections. Assuming, *arguendo*, that the application became abandoned for failure to timely and properly respond to the final Office action, the Office reminds petitioner that abandonment takes place by operation of law for failure to timely submit a proper reply to an Office action, not by the mailing of an Office communication, such an Advisory Action. MPEP 711.03(c); See Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va. 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1984).

A delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP does not constitute an "unavoidable" delay. See Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); 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 (1891).

Thus, the application became abandoned due to petitioner's failure to submit an appeal brief (and appeal brief fee) prior to the expiration of the time period set forth in 37 CFR 1.192(a) and not because of delay in the mailing the Advisory Action or any other error on the part of the USPTO. Accordingly, the record reveals that petitioner did not take appropriate action to ensure that a proper response was timely filed so as to prevent the application from becoming abandoned.

Petitioner has 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**.

Petition Under 37 CFR 1.137(b)

While the showing of record is not sufficient to establish to the satisfaction of the Director that the delay was unavoidable, petitioner is not precluded from seeking relief by filing a petition under 37 CFR 1.137(b) on the basis of unintentional delay.

A grantable petition under 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 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; and

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

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 this paragraph was unintentional" be submitted. However, the statement presented will be accepted and 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 present petition.

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 RCE and an amendment and authorized the Office to charge the Deposit Account for the requisite fees. Accordingly, the petition under 37 CFR 1.137(b) is **granted**.

The fees for filing both a petition under 37 CFR 1.137(a) and 1.137(b) will be charged to petitioner's Deposit Account as authorized. The Office notes that the finance records indicate that the Office charged the fee for filing a RCE to petitioner's Deposit Account on June 24, 2005, and again on August 1, 2005. Only one RCE filing fee is necessary. Therefore, the additional $790.00 RCE fee will be refunded to petitioner's Deposit Account.

This matter is being referred to Technology Center Art Unit 1614.

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

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 28 2008

OFFICE OF PETITIONS

DANIEL J. MEANEY, JR.
P.O. BOX 22307
SANTA BARBARA, CA 93121

In re Patent No. 6,722,208 :
Issue Date: April 20, 2004 :
Application No. 09/782,849 : ON PETITION
Filed: February 13, 2001 :
Patentee(s) Stan A. Brown et al :

This is a decision on the petition under 37 CFR 1.378(c), filed June 23, 2008, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

Petitioner will not receive future correspondence related to maintenance fees for the above-identified patent unless a fee address@ (see PTO/SB/47) is submitted for the above-identified patent.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Dennis F. Armijo
6300 Montano Rd., NW, Suite D
Albuquerque, NM 87120

UNITED STATES PATENT AND TRADEMARK OFFICE

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

INFOPRINT SOLUTIONS / BLAKELY
1279 OAKMEAD PARKWAY
SUNNYVALE, CA 94085-4040

COPY MAILED
SEP 2 2 2008

In re Application of :
Steven Mark Gebert et al :
Application No. 09/782,850 : ON PETITION
Filed: February 14, 2001 :
Attorney Docket No. 8185P010 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 20, 2008, to revive the above-identified application.

The petition is **GRANTED**.

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 $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 2178 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.

Irvin Dingle
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 7

Paul A. Schwarz, Esq.
DUANE MORRIS LLP
100 College Road West, Suite 100
Princeton, NJ 08540

In re Application of:
COPYTELE, INC.
Application No. 09/782,860
Filed: February 14, 2001
For: METHOD AND SYSTEM FOR SELECTING ENCRYPTION KEYS FROM A PLURALITY OF ENCRYPTION KEYS

MAILED

SEP 0 7 2004

Technology Center 2100

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed April 02, 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 filed April 02, 2004 meets all the requirements. Accordingly 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 James R. Matthews

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

cc: PLEVY & HOWARD
600 North Easton Road
Willow Grove, PA 19090

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN - 6 2004

James F. Haley
FISH & NEAVE
1251 Avenue of Americas
New York, New York 10020-1105

In re Application of :
Michael Wassenegger et al :
Serial No.: 09/782,874 : Decision on Petition
Filed: February 8, 2001 :
Attorney Docket No.: MPG-1 DIVI

This is in response to applicant's "Petition Under 37 CFR 1.181 To Withdraw Holding of Abandonment" filed September 10, 2003. The delay is regretted.

On November 18, 2002, a non-final office action was mailed. On July 14 a Notice of Abandonment for failure to timely file a response was mailed to applicant. On September 10, the present petition was filed. Applicants assert that response has been timely filed.

The application file and applicant's statement and evidence have been carefully reviewed. It is deemed that a response has been timely filed on May 20, 2003. Accordingly, the petition is granted.

The application has been returned to pending status. The response will be entered after mailing this letter and the application will be forwarded to examiner for consideration.

Petition GRANTED.

Should there be any questions with respect to this decision, please contact Cecilia Tsang, by mail addressed to: Director, Technology Center 1600, Alexandria, VA 22313-1450, or by telephone at (703) 308-0254 or by facsimile transmission at (703) 305-7230.

Cecilia Tsang for

John Doll
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 21 2004

#17

FISH & NEAVE
1251 AVENUE OF THE AMERICAS
50TH FLOOR
NEW YORK, NY 10020-1105

In re Application of	:
Miichael Wassenberger et al	:
Serial No.: 09/782,874	: PETITION DECISION
Filed: February 8, 2001	:
Attorney Docket No.: MPG-1-DIV1	:

This is in response to the petition under 37 CFR 1.181, filed September 10, 2003, for withdrawal of abandonment of the above identified application based on filing of a timely reply. The delay in acting on this petition is regretted.

A review of the file history shows that the examiner mailed an Office action to applicants on November 20, 2002, setting a three month shortened statutory period for reply. Upon failure to receive a reply the examiner mailed a Notice of Abandonment to applicants on July 15, 2003. Applicants state that a reply was filed May 20, 2003, accompanied by a three month extension of time request and fee. The submission has now been located and correlated with the file. In view of the evidence presented the Notice of Abandonment was mailed in error and is withdrawn and the application is restored to pending status with the mailing of this decision.

The petition is **GRANTED**.

The application will be forwarded to the examiner for further consideration.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number.

John Doll
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 16

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
1420 FIFTH AVENUE, SUUITE 3400
SEATTLE, WA 98101

COPY MAILED

AUG 2 2 2003

OFFICE OF PETITIONS

In re Application of	:	
Scott E. Moore	:	
Application No. 09/782,892	:	DECISION GRANTING PETITION
Filed: February 13, 2001	:	UNDER 37 CFR 313(c)(2)
Attorney Docket No. 500170.05	:	

This is a decision on the petition, filed August 21, 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 July 22, 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) 305-8680.

Upon receipt of the file in the Office of Petitions, the file will be forwarded to Technology Center AU 3723 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
1420 FIFTH AVENUE, SUITE 3400
SEATTLE, WA 98101

COPY MAILED

MAY 2 6 2005

OFFICE OF PETITIONS

In re Application of :
Scott E. Moore :
Application No. 09/782,892 : DECISION GRANTING PETITION
Filed: February 13, 2001 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 500170.05 :

This is a decision on the petition, filed May 25, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on February 7, 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 3723 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
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

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 WILSHIRE BLVD, SEVENTH FLOOR
LOS ANGELES, CA 90025-1026

COPY MAILED

NOV 2 2 2005

OFFICE OF PETITIONS

In re Application of :
Kikinis :
Application No. 09/782,916 : ON PETITION
Filed: February 13, 2001 :
Attorney Docket No. 004688.P019/ 091451.00131 :
For: A METHOD AND SYSTEM FOR
LOCALIZED ADVERTISING USING
LOCALIZED 3-D TEMPLATES

This is a decision on the petition under 37 CFR 1.137(a), filed November 8, 2005, to revive the above-identified application.

The petition under 37 CFR 1.137(a) is **dismissed**.

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

This application became abandoned for failure to timely respond to the final Office action mailed March 25, 2004 which set an extendable three month period for reply. Accordingly, this application became abandoned on June 26, 2004. A Notice of Abandonment was mailed on September 8, 2005.

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.; (2) the petition fee as set forth in § 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section. This petition does not satisfy requirement (3).

Regarding (3) above, petitioner has not shown to the satisfaction of the Commissioner that the entire delay from the due date of the reply to the filing of a grantable petition was unavoidable.

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 U.S.C. §133. Decisions on reviving abandoned applications 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.

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).

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).

Petitioner alleges that the March 25, 2004 final Office action was mailed to petitioner's prior attorneys, despite the fact that a Revocation of Power of Attorney and Appointment of New Power of Attorney was filed on January 2, 2004 (certificate of mailing date December 29, 2003). The January 2, 2004 (certificate of mailing date December 29, 2003) document is present in the application file.

However, the revocation/power of attorney is not acceptable because the statement under 37 CFR 3.73(b) is not present in the application file, although the box indicating it was submitted on January 2, 2004 (certificate of mailing date December 29, 2003) was checked. As stated in MPEP 324, "The establishment of ownership by the assignee must be submitted prior to, or at the same time as, the paper requesting or taking action is submitted. 37 CFR 3.73(c). If the submission establishing ownership is not present, the action sought to be taken will not be given effect."

The assignee's ownership may be established under 37 CFR 3.73(b) by submitting to the Office in the Office file related to the matter in which action is sought to be taken:

(A) documentary evidence of a chain of title from the original owner to the assignee (e.g. copy of an executed assignment submitted for recording); or
(B) a statement specifying, by reel and frame number, where such evidence is recorded in the Office.

The assignee did not establish ownership. Therefore, the January 2, 2004 (certificate of mailing December 29, 2003) revocation/power of attorney was not entered. The final Office action was properly mailed to the correspondence address of record and the attorneys of record failed to respond in a timely manner.

Delay in prosecution resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not unavoidable. See, Haines v. Quigg, 673 F. Supp. 314, 317, 5 USPQ2d 1130, 1132 (N.D. Ind. 1987), Vincent v. Mossinghoff, 230 USPQ 621, 624 (D.D.C. 1985); 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 (1891).

Therefore, the petition under 37 CFR 1.137(a) is dismissed.

The August 3, 2005 acceptance of the revocation/power of attorney resubmitted on July 1, 2005 was improper for the same reason that the original revocation/power of attorney could not be accepted. The assignee still has not established ownership. **The assignee should submit a statement under 37 CFR 3.73(b) as soon as possible**. A courtesy copy of this decision will be mailed to the address listed on the petition.

Regarding fees, pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $1,020.00 extension of time submitted with the petition on November 8, 2005 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Petitioner is encouraged to file a petition to revive under the unintentional standard of 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

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 concerning this decision should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: TODD S. PARKHURST
HOLLAND & KNIGHT LLP
131 S. DEARBORN STREET
30TH FLOOR
CHICAGO IL 60603

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TODD S. PARKHURST
HOLLAND & KNIGHT LLP
131 S. DEARBORN STREET
30TH FLOOR
CHICAGO IL 60603

COPY MAILED

MAR 0 3 2006

OFFICE OF PETITIONS

In re Application of :
Kikinis :
Application No. 09/782,916 : ON PETITION
Filed: February 13, 2001 :
Attorney Docket No. ISURFTV131 :
For: METHOD AND SYSTEM FOR LOCALIZED ADVERTISING USING LOCALIZED 3-D TEMPLATES

This is a decision on the petition under 37 CFR 1.137(b), filed on January 19, 2006 to revive the above-identified application.

This application became abandoned for failure to timely respond to the final Office action mailed March 25, 2004, which set an extendable three month period for reply. Accordingly, this application became abandoned on June 26, 2004. A Notice of Abandonment was mailed on September 8, 2005.

Applicants have submitted a RCE and required fee and amendment in reply to the March 25, 2004 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the March 25, 2004 final Office action, and the petition fee.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center AU 3196 for consideration of the RCE and amendment filed on November 8, 2005.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 4

Stephen C. Kaufman
IBM Corporation
Box 218, Route 134, Kitchawan Road
Yorktown Heights NY 10598

COPY MAILED

NOV 2 1 2001

OFFICE OF PETITIONS

In re Application of :
Raghunandan :
Application No. 09/782,933 : ON PETITION
Filed: February 14, 2001 :
Attorney Docket No. JP920000216US1 :

This is a decision on the petition filed September 17, 2001, to accord the above-identified application a filing date of February 14, 2001, instead of February 13, 2001.

The petition is **granted**.

37 CFR 1.10(c) states,

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Commissioner to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (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;" and
>
> (3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

All of the above requirements have been met. Therefore, the application will be accorded a filing date of February 14, 2001.

The file is now being forwarded to the Office of Initial Patent Examination to accord the application a filing date of February 14, 2001.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov
DIW 08-02

Paper No. 10

INTERNATIONAL BUSINESS MACHINES CORPORATIONS
ALMADEN RESEARCH CENTER
650 HARRY ROAD
SAN JOSE CA 95120

COPY MAILED

AUG 16 2002

OFFICE OF PETITIONS

In re Application of	:	
Modani et al.	:	DECISION GRANTING
Application No. 09/782,934	:	PETITION
Filed: 13 February, 2001	:	
Att'y Dkt No. JP920000227US1	:	

This is a decision on the petition filed on 12 June, 2002, under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of 13 February, 2001, rather than the presently accorded filing date of 15 February, 2001.

Petitioner alleges that the application was deposited in Express Mail service on 13 February, 2001. In support, the petition is accompanied by a copy of Express Mail Label No. EL493856045US (the same Express Mail number found on the transmittal letter accompanying the original application papers located in the official file). Although the "date-in" on the Express Mail label is illegible, a search of the USPTO's USPS Express Mail Information Database reveals that this Express Mail Label No. was accepted by the USPS on 13 February, 2001.

In view of the above, the petition is granted. The petition fee of $130.00 is unnecessary and will be credited to counsel's deposit account, No. 09-0441.

Receipt of the Change of Correspondence Address filed on 6 August, 2002, is acknowledged.

The application is being returned to the Office of Initial Patent Examination (OIPE) for correction of the filing date to 13 February, 2001, and for issuance of a corrected Filing Receipt.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.

DWood

Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 7

STEPHEN C. KAUFMAN
INTELLECTUAL PROPERTY LAW DEPT.
IBM CORPORATION
P.O. BOX 218
YORKTOWN HEIGHTS, NY 10598

COPY MAILED

NOV 0 9 2001

OFFICE OF PETITIONS

In re Application of
Gaurav Aggarwal, et al
Application No. 09/782,937
Filed: February 13, 2001
Attorney Docket No. JP920000410US1

DECISION GRANTING PETITION

This is a decision on the communication styled "Request for Corrected Official Filing Receipt" filed July 19, 2001, which is being treated as a petition under 37 CFR 1.10(c), requesting that the above-identified application be accorded a filing date of February 13, 2001, instead of the presently accorded date of February 14, 2001.

Petitioners indicate that the application was filed on February 13, 2001, using "Express Mail" service pursuant to the requirements of 37 CFR 1.10. Petitioners provide, inter alia, a copy of the Express Mail receipt No. EI493856054US. The same Express Mail receipt number was referred to in the original transmittal letter found in the file.

The Office considers the date the paper or fee is shown to have been deposited as "Express Mail" to be the "Date In" on the Express Mail label, MPEP 513. That is the date that verifies that the package was actually mailed. It is noted that the "date in" on the copy of the Express Mail label is not legible. However, a review of the USPTO's USPS Express Mail Information Database (copy attached) confirms that the Express Mail package in question was accepted by the USPS on February 13, 2001.

In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on February 13, 2001.

The petition is granted.

The application is being returned to Initial Patent Examination Division (OIPE) for correction of the filing date of **February 13, 2001** and issuance of a corrected Official Filing Receipt.

Telephone inquires related to this decision should be directed to the undersigned at (703) 305-9220. Telephone inquiries related to OIPE processing should be directed to their hotline at (703) 308-1202.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

Attachment: USPTO's USPS Express Mail Information Database

UNITED STATES 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.

David Miranda
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110-2804

SEP 22 2004

In re Application of:
Obranes et al.
Application No. 09/782,939
Filed: February 14, 2001
For: METHOD AND VIEWING
INFORMATION IN VIRTUAL SPACE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed May 12, 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 filed May 12, 2004 meets all the requirements. Accordingly 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.

Best Available Copy

for James R. Matthews

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

cc: GeoPhoenix, Inc.
52 Trowbridge Street, #5
Cambridge, MA 02139

Best Available Copy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

W. EDWARD JOHANSEN
11661 SAN VICENTE BOULEVARD
LOS ANGELES CA 90049

COPY MAILED

AUG 30 2005

OFFICE OF PETITIONS

In re Application of	:	
Edward J.A. Pope et al	:	
Application No. 09/782,945	:	ON PETITION
Filed: February 13, 2001	:	
Attorney Docket No. POPE#6(CIP)(CIP)	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 13, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The two-month period for filing the Appeal Brief under 37 CFR 41.37(a)(1), accompanied by the fee set forth in 37 CFR 41.20(b)(2), runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 1712.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

COPY MAILED
NOV 0 2 2006
OFFICE OF PETITIONS

In re Application of :
Williams et al. :
Application No. 09/782,953 : DECISION ON PETITION
Filed: February 13, 2001 :
Attorney Docket No. MYOG:036US/SLH :

This is a decision on the petition under 37 CFR 1.181, filed August 15, 2006, to withdraw the holding of abandonment, or in the alternative, under 37 CFR 1.137(b) to revive the application.

The above-identified application became abandoned as a result of the failure to file an Appeal Brief (and fee) within two (2) months of the Notice of Appeal filed on July 22, 2005. Accordingly, the appeal was dismissed. As no claim was allowed, the above-identified application became abandoned and a Notice of Abandonment was mailed on July 6, 2006.

Petitioners asserted that they filed a timely and proper response in the form of an Appeal Brief and a request for an extension of time for response within the first month on October 11, 2005 (certificate of mailing date October 6, 2005).

Upon a review of the record, it appears that petitioners submitted an Appeal Brief on September 22, 2005, and again on October 11, 2005 (accompanied by a one-month extension of time and fee). However, the application number in the heading of the transmittal forms identified Application No. "09/872,953" rather than the intended Application No. "09/782,953." The responses were located in the file of Application No. 09/872,953. A review of the correspondence indicates that the USPTO received an appeal brief on September 22, 2005, and again on October 11, 2005 (accompanied by a one-month extension of time and fee), but they were not matched with the file due to the identification of an incorrect application number.

Under current Office procedure, if a paper having an incorrect application 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, it is concluded that there was sufficient information thereon to associate the papers with the present application file.

For the reasons stated above, the petition under 37 CFR 1.181 is **granted**. The Notice of Abandonment is hereby withdrawn. The $250.00 fee for filing an appeal brief paid on September 22, 2005, will be transferred from Application No. 09/872,953 to Application No. 09/782,953. The $120.00 extension of time fee is unnecessary because the Appeal Brief was timely filed on September 22, 2005. Therefore, $120.00 fee mistakenly paid in Application No. 09/872,953, will be refunded to the Deposit Account.

The matter is being referred to the Technology Center 1653 for review of the Appeal Brief filed on September 22, 2005.

Telephone inquiries regarding this decision maybe directed to the undersigned at (571) 272-3211. All other questions concerning the status of the application or the examination process should be directed to the Technology Center.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 04/21/2010

Applicant	: R. Sanders Williams	: DECISION ON REQUEST FOR
Patent Number	: 7629308	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 09/782,953	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/13/2001	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **702** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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

Mail Date: 05/18/2010

Applicant : R. Sanders Williams
Patent Number : 7629308
Issue Date : 12/08/2009
Application No: 09/782,953
Filed : 02/13/2001

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **769** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
www.uspto.go

MAILED

MAR 0 4 2003

Technology Center 2100

Paper No. 8

John V. Bianco
TESTA, HURWITZ & tHIBEAULT, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

In re Application of:
Orbanes et al.
Application No. 09/782,964
Filed: February 14, 2001
For: METHOD AND APPARATUS FOR ORGANIZING HIERARCHICAL SCREENS IN VIRTUAL SPACE

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed February 19, 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 signed by John V. Bianco alone and does not contain a clear indication that Mr. Bianco 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 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.

for James R. Matthews

Vincent N. Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture and Software,
(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

MAILED

JUL 19 2004

Testa, Hurwitz & Thibeault, LLP
High Street Tower
125 High Street
Boston, MA 02110

In re Application of:
Julian ORBANES, et al.
Application No. 09/782,964
Filed: February 14, 2001
For: METHOD AND APPARATUS FOR ORGANIZING HIERARCHICAL SCREENS IN VIRTUAL SPACE

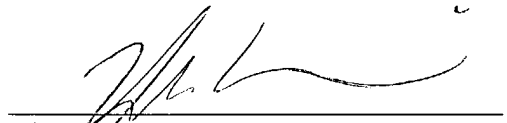
DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed February 19, 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 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
www.uspto.gov

Fish & Richardson P.C. (Boston)
225 Franklin Street
Boston, MA 02110-2804

MAILED

JUL 22 2004

Technology Center 2100

In re Application of:
Julian ORBANES, et al.
Application No. 09/782,964
Filed: February 14, 2001
For: METHOD AND APPARATUS FOR ORGANIZING HIERARCHICAL SCREENS IN VIRTUAL SPACE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed May 12, 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
703-305-9750

cc: GeoPhoenix, Inc.
52 Trowbridge Street, #5
Cambridge, MA 02139

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 18

Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

MAILED

OCT 0 1 2004

Technology Center 2100

In re Application of:
~~Julian ORBANES, et al~~
Application No. 09/782,965
Filed: February 14, 2001
For: APPARATUS FOR VIEWING INFORMATION IN VIRTUAL SPACE USING MULTIPLE TEMPLATES

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed May 12, 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
703-305-9750

cc: GeoPhoenix, Inc.
52 Trowbridge Street, #5
Cambridge, MA 02139

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
www.uspto.go

MAILED

MAR 0 4 2003

Technology Center 2100

Paper No. 9

John V. Bianco
TESTA, HURWITZ & tHIBEAULT, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

In re Application of:)
Orbanes et al.)
Application No. 09/782,966)
Filed: February 14, 2001) **DECISION ON REQUEST FOR**
For: METHOD AND APPARATUS FOR) **WITHDRAWAL AS ATTORNEY**
CONVERTING DATA OBJECTS TO)
A CUSTOM FORMAT FOR)
VIEWING INFORMATION IN
VIRTUAL SPACE

This is a decision on the Request To Withdraw from Representation filed February 19, 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 signed by John V. Bianco alone and does not contain a clear indication that Mr. Bianco 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 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.

/VT/ James R. Matthews

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

David Miranda
FISH & RICHARDSON P.C. (Boston)
225 Franklin Street
Boston, MA 02110-2804

MAILED

JAN 0 7 2005

Technology Center 2100

In re Application of:
Orbanes et al.
Application No. 09/782,966
Filed: February 14, 2001
For: METHOD AND APPARATUS FOR CONVERTING DATA OBJECTS TO A CUSTOM FORMAT FOR VIEWING INFORMATION IN VIRTUAL SPACE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed May 12, 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 filed May 12, 2004 meets all the requirements. Accordingly 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 James R. Matthews

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
(571) 272-3613

cc: GEOPHOENIX, INC.
52 Trowbridge Street, #5
Cambridge, MA 02139

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

Testa, Hurwitz & Thibeault, LLP
High Street Tower
125 High Street
Boston, MA 02110

MAILED

JUL 2 2 2003

Technology Center 2100

In re Application of: Julian Orbanes, et al.)
Application No. 09/782,967)
Filed: February 14, 2001) **DECISION ON REQUEST FOR**
For: METHOD AND APPARATUS FOR) **WITHDRAWAL AS ATTORNEY**
ORGANIZING HIERARCHICAL)
PLATES IN VIRTUAL SPACE)

This is a decision on the Request To Withdraw from Representation filed February 19, 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.

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

cc: Frank R. Occhiuti, Esq.
Fish & Richardson P.C.
225 Franklin Street
Boston, MA 02110-2804

UNITED STATES 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.

David Miranda
FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110-2804

MAILED

OCT 14 2004

Technology Center 2100

In re Application of:
Orbanes et al.
Application No. 09/782,967
Filed: February 14, 2001
For: METHOD AND APPARATUS FOR ORGANIZING HIERARCHICAL PLATES IN VIRTUAL SPACE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed May 12, 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 forwarding address is incomplete and can not be mailed to the applicant.

Accordingly, 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.

for James R. Matthews

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
www.uspto.gov

Paper No.

David Miranda
FISH & RICHARDSON, P.C.
225 Franklin Street
Boston, MA 02110-2804

MAILED

NOV 26 2004

Technology Center 2100

In re Application of:
Orbanes et al.
Application No. 09/782,967
Filed: February 14, 2001
For: METHOD AND APPARATUS FOR ORGANIZING HIERARCHICAL PLATES IN VIRTUAL SPACE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed May 12, 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 filed May 12, 2004 meets all the requirements. Accordingly 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.

James R. Matthews

for Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
(571) 272-3613

cc: GEOPHOENIX, INC.
52 Trowbridge Street, #5
Cambridge, MA 02139

UNITED STATES PATENT AND TRADEMARK OFFICE

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

McGUINNESS & MANARAS LLP
125 NAGOG PARK
ACTON MA 01720

COPY MAILED

NOV 26 2007

OFFICE OF PETITIONS

In re Application of :
Graves, et al. :
Application No. 09/783,002 : ON PETITION
Filed: February 15, 2001 :
Attorney Docket No. 120-351 :

This is a decision on the petition under the unintentional delay provisions of 37 CFR 1.137(b), filed August 1, 2007, 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.

This application became abandoned as a result of petitioner's failure to file an appeal brief (and fee required by 37 CFR 41.20(b)(2)) within the time period provided in 37 CFR 41.37(a)(1). As an appeal brief (and appeal brief fee) was not filed within two (2) months of the Notice of Appeal filed Jul 31, 2006, 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 1.197(b). As no claim was allowed, the application became abandoned on October 1, 2006. *See* MPEP 1215.04

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 (1).

As to item (1), the reply, as stated in the petition, is the supplemental response to the final Office action, filed previously on July 11, 2006. Petitioner is informed that this is not an appropriate reply. It is noted that the April 24, 2007 Advisory action addressed the July 11, 2006 amendment after final and found it lacking.

The proposed reply in any reconsideration petition must be an appeal brief under 37 CFR 41.37 and the appeal brief fee required by 37 CFR 41.20(b)(2), a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(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 hand:
U.S. Patent and Trademark Office
Customer Service Window, Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

The centralized facsimile number is **(571) 273-8300.**

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20090824

DATE : August 24, 2009

TO SPE OF : ART UNIT 2627

SUBJECT : Request for Certificate of Correction on Patent No.: 7170842 B2

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:

Corrections are approved.

Examiner: /Kim-Kwok CHU/

OK TO ENTER: /KC/ (08/24/2009)

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

ATTORNEY DOCKET NUMBER: 10003492-1

IN RE APPLICATION OF: U.S. Patent No. 7,170,842

USPTO CONFIRMATION CODE: 1270

APPLICATION NO.: 09/783,008

FILED: Feb. 15, 2001

EXAMINER: Andrea Wellington

GROUP ART UNIT: 2627

FOR: METHODS FOR CONDUCTING CURRENT BETWEEN A SCANNED-PROBE AND STORAGE MEDIUM

37 CFR 1.322 & 37 CFR 1.323 REQUEST FOR CERTIFICATE OF CORRECTION

HONORABLE COMMISSIONER OF PATENTS & TRADEMARKS

Sir:

The following is a request for a certificate of correction in Serial Number 09/783,008, now Patent Number 7,170,842.

A certificate of correction under 35 USC 254 is respectfully requested in the above-identified patent.

☐ All errors were the fault of the USPTO, no fee required. In the event that a further fee is required, please charge the amount to Deposit Account No. 082025.

☐ All errors were the fault of the applicant and, accordingly, please charge **$100.00** to our Deposit Account No. 082025. In the event that a further fee is required, please charge the amount to the same Deposit Account.

☒ The errors were the fault of both the applicant and USPTO and, accordingly, please charge **$100.00** to our Deposit Account No. 082025. In the event that a further fee is required, please charge the amount to the same Deposit Account.

The exact locations where the errors appear in the patent and patent application are as follows:

In column 1, line 12, delete "entire" and insert - - entirety - -, therefor.
(Amendment to specification filed on Jan. 07, 2004, page 4, line 8)

In column 12, line 35, in Claim 1, after "device" delete ",".
(Amendment to claims filed on Sep. 05, 2006, page 2, in Claim 1, line 1)

In column 13, line 12, in Claim 11, delete "surfactant" and
insert - - surfactants - -, therefor.
(Amendment to claims filed on Sep. 05, 2006, page 3, in Claim 13, line 3)

In column 13, line 14, in Claim 12, delete "compnse" and
insert - - comprise - -, therefor.
(Amendment to claims filed on Sep. 05, 2006, page 3, in Claim 14, line 2)

In column 13, line 18, in Claim 13, delete "areas;" and
insert - - area; - -, therefor.
(Amendment to claims filed on Sep. 05, 2006, page 3, in Claim 15, line 3)

In column 13, line 26, in Claim 13, after "ferrofluid;" delete "and".
(Amendment to claims filed on Sep. 05, 2006, page 3, in Claim 15, line 9)

In column 13, line 32, in Claim 14, insert - - the - - before "energy-emitting".
(Amendment to claims filed on Sep. 05, 2006, page 4, in Claim 16, line 3)

In column 13, line 45, in Claim 17, after "medium;" insert - - a fluid medium positioned between the energy-emitting tip and the storage medium; - -.
(Amendment to claims filed on Sep. 05, 2006, page 4, in Claim 21, line 5)

In column 13, line 47, in Claim 17, delete "partides" and
insert - - particles - -, therefor.
(Amendment to claims filed on Sep. 05, 2006, page 4, in Claim 21, line 6)

In column 13, line 50, in Claim 18, delete "areas;" and
insert - - area; - -, therefor.
(Amendment to claims filed on Sep. 05, 2006, page 4, in Claim 22, line 3)

In column 13, line 54, in Claim 18, after "area" insert - - , - -.
(Amendment to claims filed on Sep. 05, 2006, page 5, in Claim 22, line 2)

In column 13, line 55, in Claim 18, delete "particle" and
insert - - particles - -, therefor.
(Amendment to claims filed on Sep. 05, 2006, page 5, in Claim 22, line 2)

In column 13, line 57, in Claim 18, after "tip" insert - - , and - -.
(Amendment to claims filed on Sep. 05, 2006, page 5, in Claim 22, line 3)

APPROVED: /KC/ (08/24/2009)

In column 13, line 57, in Claim 18, delete "ferrofluid;" and
insert - - ferrofluid, - -, therefor.
(Amendment to claims filed on Sep. 05, 2006, page 5, in Claim 22, line 4)

The requested corrections are attached on Form PTO 1050.

Respectfully Submitted

May 21, 2009
DATE

Name: Manisha Chakrabarti
Registration No.: 41,665

Attorney/Agent of Record

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, Colorado 80527-2400

APPROVED: /KC/ (08/24/2009)

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. : 7,170,842

APPLICATION NO. : 09/783,008

ISSUE DATE : Jan. 30, 2007

INVENTOR(S) : Gary A. Gibson

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:

In column 1, line 12, delete "entire" and insert - - entirety - -, therefor.

In column 12, line 35, in Claim 1, after "device" delete ",".

In column 13, line 12, in Claim 11, delete "surfactant" and insert - - surfactants - -, therefor.

In column 13, line 14, in Claim 12, delete "compnse" and insert - - comprise - -, therefor.

In column 13, line 18, in Claim 13, delete "areas;" and insert - - area; - -, therefor.

In column 13, line 26, in Claim 13, after "ferrofluid;" delete "and".

In column 13, line 32, in Claim 14, insert - - the - - before "energy-emitting".

In column 13, line 45, in Claim 17, after "medium;" insert - - a fluid medium positioned between the energy-emitting tip and the storage medium; - -.

In column 13, line 47, in Claim 17, delete "partides" and insert - - particles - -, therefor.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

This collection of information is required by 37 CFR 1.322, and 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 Patent, 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.

APPROVED: /KC/ (08/24/2009)

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. : 7,170,842

APPLICATION NO. : 09/783,008

ISSUE DATE : Jan. 30, 2007

INVENTOR(S) : Gary A. Gibson

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:

In column 13, line 50, in Claim 18, delete "areas;" and insert - - area; - -, therefor.

In column 13, line 54, in Claim 18, after "area" insert - - , - -.

In column 13, line 55, in Claim 18, delete "particle" and insert - - particles - -, therefor.

In column 13, line 57, in Claim 18, after "tip" insert - - , and - -.

In column 13, line 57, in Claim 18, delete "ferrofluid;" and insert - - ferrofluid, - -, therefor.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

This collection of information is required by 37 CFR 1.322, and 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 Patent, 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

Paper No.

Banner & Witcoff, Ltd.
11th Floor, 1001 G Street, N.W.
Washington, DC 20001-4597

COPY MAILED

APR 0 7 2006

OFFICE OF PETITIONS

In re Patent No. 6,774,439 :
Fukuzumi et al. : DECISION ON REQUEST FOR
Issue Date: August 10, 2004 : CERTIFICATE OF CORRECTION
Application No. 09/783,023 :
Filed: February 15, 2001 :
Attorney Docket No. 01701.00059 :
:

This is a decision on the "REQUEST FOR CERTIFICATE OF CORRECTION," filed April 25, 2005.

The request is **DENIED**.

Patentees are given **THIRTY (30) DAYS** from the mail date of this decision to respond. No extensions of time will be granted under § 1.136.

On August 10, 2004, application No. 09/783,023 matured into U.S. Patent No. 6,774,439, with a Patent Term Adjustment of 17 days. Patentees contend that this is in error. Patentees state that the patent should have issued with a revised patent term adjustment of 144 days, as shown in PAIR and on the Issue Notification.

Issuance of a certificate of correction under § 1.322 is permitted if an error in the patent is shown. No error in the patent has been shown. The record has been reviewed, and it is determined that the patent term adjustment indicated in the patent is correct. At the time of the mailing of the Notice of Allowance, the patent term adjustment (PTA) under 35 U.S.C. 154(b) to date was 17 days. The PALM record shows that after

the mailing of the notice of allowance, a period of adjustment of 127 days was entered for Office delay in issuing the patent. See § 1.702(b). However, prior to issuance of the patent, the PTA was corrected to remove the adjustment of 127 days, pursuant to § 1.703(b)(4). Specifically, § 1.703(b) provides that:

> The period of adjustment under § 1.702(b) is the number of days, if any, in the period beginning on the day after the date that is three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application and ending on the date a patent was issued, but not including the sum of the following periods:
>
> (4) The number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 1.191 and ending on the date of the last decision by the Board of Patent Appeals and Interferences or by a Federal court in an appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145, or on the date of mailing of either an action under 35 U.S.C. 132, or a notice of allowance under 35 U.S.C. 151, whichever occurs first, if the appeal did not result in a decision by the Board of Patent Appeals and Interferences.

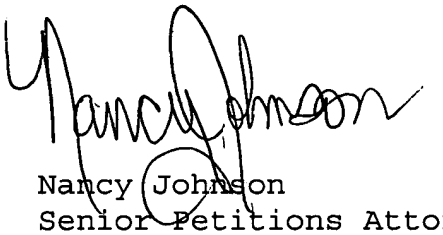
In this instance, a notice of appeal was filed on October 14, 2003. Subsequently, a notice of allowance was filed on March 22, 2004. This period constitutes 161 days. Thus, the period under 1.702(b) of 127 days could not include this 161 days. As such the net increase in PTA for the Office taking in excess of 3 years to issue the patent is zero (0) days (127 - 161). In view thereof, the patent should have issued with a revised PTA of 17 days.

Since seventeen (17) days of PTA is the correct value for PTA, no certificate of correction will be issued to change the PTA under 37 C.F.R. § 1.322.

Patentees are advised that 37 C.F.R. § 1.705(d) provides the avenue before the Office for requesting reconsideration of the patent term adjustment indicated in the patent based on a dispute of the Office's calculation of the patent term adjustment. Moreover, § 1.705(d) states that "any request for

reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section." Accordingly, to the extent that the instant request for a certificate of correction should properly be treated as a request under § 1.705(d), and the request was not filed within two months of the issue date of the patent, the request would be dismissed as untimely.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

09/783,119

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8/28/07

TO SPE OF : ART UNIT 2114

SUBJECT : Request for Certificate of Correction on Patent No.: 6795937

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:

SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER

SPE

2114
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
www.uspto.go

Paper No. 6

JACOB EISENBERG
C/O SIEMENS AG
PO BOX 221634
MUNICH 80506 DE GERMANY

COPY MAILED

MAR 1 1 2003

OFFICE OF PETITIONS

In re Application of :
Walter Rosenbaum :
Application No. 09/783,144 : ON PETITION
Filed: February 15, 2001 :
Attorney Docket No. 2001P01989 US :

This is a decision on the petition under 37 CFR 1.137(b), filed January 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 to the Notice to File Missing Parts of Application (Notice) mailed March 19, 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 May 20, 2001.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

The application file is being forwarded to the Initial Patent Examination Unit.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

Jacob Eisenberg
Siemens Schweiz Albisriederstrasse 245
CH-8047 Zurich, Switzerland

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Thomas Evans
Banner & Witcoff, Ltd.
1001 G. Street, N.W.
Washington, DC 20001-4597

MAILED

MAY 03 2007

TECHNOLOGY CENTER 2100

In re Application of:
Marc Van Heyningen et al.
Application No. 09/783,146
Filed: February 13, 2001
For: Method and Apparatus for Providing Secure Streaming Data Transmission Facilities Using Unreliable Protocols

DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed January 22, 2007 under 37 CFR § 1.181 to have the communication dated December 15, 2006, dismissing the appeal in this application be withdrawn.

A review of the record reveals that an appeal brief was filed on September 20, 2006. On December 15, 2006, a letter was mailed dismissing the appeal because the brief does not contain clear arguments with respect to the claims at issue in a clear manner addressing each claim or a group of claims with similar scope with respect to each independent claim, especially claim 38. On January 19, 2007 an interview occurred where the examiner agreed to withdraw the letter dismissing the appeal. On January 24, 2007 a notice of Non-compliant Appeal Brief was mailed out.

As petitioner's relief has already occurred the petition is **DISMISSED AS MOOT.**

The status of the application is the period for response continues to run from the January 24, 2007, notice of Non-Compliant Appeal Brief.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3612.

Tod Swann
Workgroup Quality Assurance Specialist
Technology Center 2100
Computer Architecture, Software, and
Information Security

UNITED STATES 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 15 2004

Ladas & Parry
26 West 61st Street
New York, NY 10023

Paper No. 14

In re Application of	:	DECISION ON PETITION
Shlomo Ben-Haim	:	TO WITHDRAW
Serial No. : 09/783,150	:	HOLDING OF
Filed : February 14, 2001	:	ABANDONMENT
For : System for Mapping a Heart Using Catheters Having Ultrasonic Position Sensors	:	

This is a decision on petitioner's request filed October 20, 2004, to review the holding of abandonment mailed October 7, 2004, for failure to respond to the Office action mailed October 22, 2003. There is no fee required for this petition.

In support of the request, petitioner has submitted a copy of a response and a copy of a PTO stamped receipt dated January 29, 2004 as evidence of the timely filing of a response. The response includes a certificate of mailing dated January 21, 2004.

In view of the above, the Notice of Abandonment mailed October 7, 2004 is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the response filed January 29, 2004.

Summary: Holding of Abandonment Withdrawn.

John E. Kittle, Director
Groups 3730 and 3760
Phone: (571) 272-2975

ak/12/08/04

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/25/06

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction on Patent No.: 6920085

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:

No new matter, scope or meaning of claims are unchanged. TE

_____ 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

COPY MAILED
DEC 0 6 2006
OFFICE OF PETITIONS

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

In re Application of :
Yoichiro Igarashi, et. al. :
Application No. 09/783,185 : ON PETITION
Filed: February 14, 2001 :
Attorney Docket No. FUJO 18.314 :

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on February 10, 2006, to revive the above-identified application.

The above application became abandoned for failure to timely reply to the final Office action mailed on July 25, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114, with the $790 filing fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

The application is being revived for consideration of the RCE filed on February 10, 2006.

This application file is being referred to Technology Center Art Unit 2155, for entry of the amendment filed on October 25, 2005.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 5

KUDIRKA & JOBSE LLP
ONE STATE STREET
SUITE 1510
BOSTON MA 02109

COPY MAILED

MAY 3 1 2002

OFFICE OF PETITIONS

In re Application of :
James R. McSherry :
Application No. 09/783,197 : ON PETITION
Filed: February 14, 2001 :
Attorney Docket No. W0008/7000 :

This is a decision on the petition, filed March 1, 2002, to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of a PCT international application filed on December 28, 2001. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application.

In view of the above, this application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply, which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(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 instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the

Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

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 previous Request and Certification under 35 USC 122(b)(2)(B)(i) has been rescinded. A Corrected Filing Receipt which sets forth the projected publication date accompanies this decision on petition.

The application is being forwarded to Technology Center 3600 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Enc: Corrected Filing Receipt (2 pages)

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 7

ARTER & HADDEN, LLP
1100 HUNTINGTON BUILDING
925 EUCLID AVENUE
CLEVELAND OH 44115-1475

MAIL

DEC 04 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Ledbetter, Michael :
Application No. 09/783,210 :
Filed: February 14, 2001 :
For: METHOD AND SYSTEM FOR SYNCHRONIZING CONTENT :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on October 22, 2002.

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 met all of the above. Accordingly, the request is **GRANTED**.

All attorneys of record are removed from 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.

Reinhard J. Eisenzopf
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4711

cc: Michael Ledbetter
5220 Gately
Richmond, CA 94804

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

GEORGE S. BLASIAK
WALL MARJAMA & BILINSKI
101 SOUTH SALINA STREET, SUITE 400
SYRACUSE, NY 13202

COPY MAILED

DEC 2 3 2002

OFFICE OF PETITIONS

In re Application of
Steven R. Slawson et al
Application No. 09/783,224
Filed: February 14, 2001
Attorney Docket No. 281-345

: DECISION DISMISSING PETITION
: UNDER 37 CFR 1.137(f)

This is a decision on the petition, filed November 27, 2002, to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

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(f)."

Petitioner states that, subsequent to the filing of the instant application and the concurrently filed nonpublication request under 35 U.S.C. § 122(b), PCT Application PCT/US02/03956 claiming priority to the present U.S. application was filed; however, notice of such foreign filing was not provided to the U.S. Patent and Trademark Office.

The instant petition fails to provide a notice rescinding the nonpublication request. Accordingly, before revival pursuant to the provisions of 37 CFR 1.137(f) can be effected, petitioner must submit a request to rescind the previous nonpublication request. For petitioner's convenience, a blank Request to Rescind Previous Nonpublication Request accompanies this decision on petition.

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(f) 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.

Brian Hearn

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

ATTACHMENT: Request to Rescind Pevious Nonpublication Request Form

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

GEORGE S. BLASIAK
WALL MARJAMA & BILINSKI
101 SOUTH SALINA STREET, SUITE 400
SYRACUSE, NY 13202

COPY MAILED

DEC 2 7 2002

OFFICE OF PETITIONS

In re Application of :
Steven R. Slawson et al :
Application No. 09/783,224 : DECISION GRANTING PETITION
Filed: February 14, 2001 : UNDER 37 CFR 1.137(f)
Attorney Docket No. 281-345 :

This is a substitute decision on the petition, filed November 27, 2002, and supplemented on December 19, 2002,[1] to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f). The decision on petition mailed December 23, 2002 is vacated.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in a foreign country on February 11, 2002. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

---

[1] The Request to Rescind Previous Nonpublication Request was received in the deciding official's office after the mailing of a decision on December 23, 2002 dismissing the petition under 37 CFR 1.137(f).

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(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 instant petition has been found to be in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Corrected Filing Receipt which sets forth the projected publication date of April 3, 2003 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (703) 305-8680.

This application is being forwarded to Technology Center Art Unit 2872 for appropriate action on the reply received June 24, 2002.

Frances Hicks

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

ATTACHMENT: 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

SECOND SIGHT MEDICAL PRODUCTS, INC.
12744 SAN FERNANDO ROAD
BUILDING 3
SYLMAR, CA 91342

COPY MAILED
AUG 1 1 2006
OFFICE OF PETITIONS

In re Application of :
Greenberg, et al. :
Application No. 09/783,236 : ON PETITION
Filed: February 13, 2001 :
Attorney Docket No. S133-USA :

This is a decision on the petition under 37 CFR 1.137(b), filed March 15, 2006 and supplemented on June 13, 2006, 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 July 25, 2003. A notice of bona fide response was mailed October 27, 2003 and set a one (1) month period for response. Accordingly, this application became abandoned on November 28, 2003. A Notice of Abandonment was mailed on June 1, 2004.

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).

Furthermore, 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.

The file is being forwarded to Technology Center 3700 for review of the amendment, filed March 15, 2006, *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
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. 4

APR 0 8 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Mark A. Wilson
Wilson & Ham
PMB: 348
2530 Berryessa Road
San Jose, CA 95134

In re Application of: Dumitru Gruia)
Application No. 09/783,239)
Filed: February 13, 2001)
For: METHOD AND SYSTEM FOR SYNCHRONIZING SECURITY KEYS IN A POINT-TO-MULTIPOINT PASSIVE OPTICAL NETWORK) **DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY**

This is a decision on the Request To Withdraw from Representation filed March 11, 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**.

Because no request was made for a change in correspondence address, 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. 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.

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

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

HUGHES ELECTRONICS CORPORATION
PATENT DOCKET ADMINISTRATION
BLDG 001 M/S A109
P O BOX 956
EL SEGUNDO CA 90245-0956

COPY MAILED

APR 2 9 2002

OFFICE OF PETITIONS

In re Application of :
Ronald P. Cocchi et al :
Application No. 09/783,241 : DECISION GRANTING PETITION
Filed: February 14, 2001 : UNDER 37 CFR 1.137(f)
Attorney Docket No. PD-990079 :

This is a decision on the petition filed by facsimile transmission on April 9, 2002, to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

The petition is **granted**.

This application became abandoned pursuant to 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by: (1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;[1] (2) the petition fee as set forth in 37 CFR 1.17(m); and (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.

---

[1] The filing of a petition under this section will not relieve applicant of his obligation to reply to any outstanding Office action.

The statement of unintentional delay differs from the statement required by 37 CFR 1.137(b). Nevertheless, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional." If this is not a correct interpretation of the statement, petitioner must promptly notify the Office. The instant petition has otherwise been found in compliance with 37 CFR 1.137(f). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days as provided by 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

A Corrected Filing Receipt which sets forth the projected publication date of August 15, 2002 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (703) 305-8680.

This application is being returned to Technology Center Au 2611 for examination in due course.

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

ATTACHMENT: Corrected Filing Receipt

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

UR
PAPER NO. 3

JUN 11 - -

In re Application of
James C. Danly, SR. et al
Serial Number: 09/783,242
Filed: February 14, 2001
For: SINTERED ANTI-FRICTION BEARING SURFACE

DECISION ON PETITION UNDER M.P.E.P. 708.02(IV)

This is in response to the petition filed February 14, 2001, requesting that the above-identified application be granted Special Status under Section 708.02 (IV) of the MPEP and 37 CFR 1.102(c)
The petition has been considered and found to comply with the requirements set forth under the above-noted section. Accordingly, the petition is granted.

The petition is GRANTED.

Richard V. Fisher

Richard V. Fisher, Director
Technology Center 1700
Chemical and Materials Engineering

Stephan A. Pendorf
Pendorf & Cutliff
P.O. Box 20445
Tampa , FL 33622-0445

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

FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

MAILED

JUN 0 2 2003

Technology Center 2100

In re Application of: Mark Ireton	)	
Application No. 09/783,244	)	**DECISION ON REQUEST FOR**
Filed: February 13, 2001	)	**WITHDRAWAL AS ATTORNEY**
For: ENSURING LEGITIMACY OF DIGITAL MEDIA	)	

This is a decision on the Request To Withdraw from Representation filed May 6, 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.

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

cc: Bradley J. Hulbert
McDonnell, Boehnen, Hulbert & Berghoff
300 South Wacker Drive
Chicago, IL 60606-6709

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

FOLEY & LARDNER
WASHINGTON HARBOUR
SUITE 500
3000 K STREET, NW
WASHINGTON, DC 20007-5109

COPY MAILED

AUG 6 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Tang, et al.
Application No. 09/783,264
Filed: February 15, 2001
Attorney Docket No. 038602/1086

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.182 filed on May 2, 2001, which is properly treated under §1.181, to obtain the serial number for the above-identified application.

The petition is **DISMISSED AS MOOT.**

The above-identified application was filed on February 15, 2001. The evidence submitted on petition shows that applicants received a return postcard receipt with a February 15, 2001, OIPE date-stamp thereon. However, the postcard receipt was lacking the identification of the application No. assigned, normally stamped thereon. In addition, applicants state that they have not received notification of the serial number by official "Filing Receipt," "Notice to File Missing Parts" or "Notice of Incomplete Application." Accordingly, petitioners request to be advised of the application number and the status of the application.

Prior to a decision being issued on this petition, on June 25, 2001, the Initial Patent Examination Division mailed applicants a "Notice to File Missing Parts of Nonprovisional Application." Applicants were thereby informed of the application number and status of the application.

Given that this petition was considered under §1.181, no petition fee is due. Accordingly, the petition fee paid has been refunded to counsel's Deposit Account, as authorized.

The application file is being returned to the Office of Initial Patent Examination to await the reply to the "Notice to File Missing Parts" mailed June 25, 2001. This decision in no way extends the period for reply to that Notice.

Telephone inquiries concerning this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

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

VENABLE BAETJER HOWARD AND CIVILETTI LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

COPY MAILED

APR 0 1 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Dietmar Zielke :
Application No. 09/783,298 :
Filed: February 15, 2001 :
Attorney Docket No. 31512-168762

This is a decision on the petition, filed March 31, 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 November 17, 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.

The file will be forwarded to Technology Center AU 1731 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

VENABLE BAETJER HOWARD AND
CIVILLETI LLP
PO BOX 34385
WASHINGTON DC 20043-9998

COPY MAILED
SEP 0 3 2004
OFFICE OF PETITIONS

In re Application of
Dietmar Zielke
Application No. 09/783,298
Filed: February 15, 2001
Attorney Docket No. 31512-168762

: DECISION ON APPLICATION
: FOR PATENT TERM ADJUSTMENT
:
:

This letter is in response to the "REQUEST FOR PTA CALCULATION REVIEW," filed November 20, 2003. Applicant requests that the initial determination of patent term adjustment under 35 U.S.C. §154(b) be reviewed for accuracy.

The request for correction of the initial determination of patent term adjustment (PTA) is **GRANTED**. The determination of PTA at the time of the mailing of the Notice of Allowance is ZERO (0) days.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment determination at the time of the mailing of the Notice of Allowance was ZERO (0) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On August 18, 2003, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment to date is one hundred fifty-eight (158) days.

The Office initially determined a patent term adjustment of one hundred fifty-eight (158) days based on an adjustment for PTO

delay of sixty-seven (67) days, pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), and ninety-one (91) days, pursuant to 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. §1.703(a)(2), reduced by zero (0) days of Applicant delay.

The PTO delay of 91 days has been found to be incorrect. Applicant mailed a reply to a non-final Office action on January 10, 2003. In response, the Office mailed a final Office action on February 21, 2003, within the four month time period set forth in 35 U.S.C. 154(b)(1)(A)(ii) and 37 C.F.R. §1.703(a)(2). Accordingly, no PTO delay should have been assessed for the mailing of the February 21, 2003 final Office action.

Furthermore, a review of the application file reveals that Applicant should have been assessed delay of thirty-one (31) days for the filing of his January 10, 2003 response, and fifty-five days for the filing of an RCE on July 15, 2003, both pursuant to 35 U.S.C. 154(b)(2)(C)(ii) and 37 C.F.R. 1.704(b).

In view thereof, the correct determination of PTA at the time of the mailing of the Notice of Allowance is **zero (0) days** (67 days of PTO delay, reduced by 86 (31 + 55) days of Applicant delay).

To the extent that this letter was submitted to advise the Office of an error in Applicant's favor, the $200.00 application fee under 37 C.F.R. § 1.705(b) was not required, and has not been charged. The Office thanks Applicant for his good faith and candor in bringing this matter to the attention of the Office.

The application file is being forwarded to Group Art Unit 1731 for consideration of the RCE and IDS, filed March 31, 2004.

Telephone inquiries specific to this letter should be directed to Cliff Congo, Petitions Attorney, at (703) 305-0272.

Kery Fries
per

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of adjusted PAIR calculation

UNITED STATES PATENT AND TRADEMARK OFFICE

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

R2K

OIPE JC25
NOV 0 9 2004
PATENT & TRADEMARK

VENABLE BAETJER HOWARD AND CIVILETTI LLP
P.O. BOX 34385
WASHINGTON, DC 20043-9998

COPY MAILED

APR 0 1 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of
Dietmar Zielke
Application No. 09/783,298
Filed: February 15, 2001
Attorney Docket No. 31512-168762

This is a decision on the petition, filed March 31, 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 November 17, 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.

The file will be forwarded to Technology Center AU 1731 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

APR - 2 2004

[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).

COMPUTER UPDATED
8/1/05

UNITED STATES 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. 8

WAGNER, MURABITO & HAO LLP
Two North Market Street
Third Floor
San Jose, CA 95113.

MAILED

DEC 16 2003

Technology Center 2100

In re Application of: DANIEL OSTROFF, ET AL.
Application No.: 09/783,318
Filed: February 15, 2001
For: **SOFTWARE PROGRAM FOR INTERNET INFORMATION RETRIEVAL, ANALYSIS AND PRESENTATION**

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT AND REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

This is in reply to Petitioner's petition to Withdraw the Holding of Abandonment and Request for Withdrawal As Attorney filed in the United States Patent and Trademark Office (USPTO) on November 14, 2003. No fee is required.

A review of the file record reveals that:

1. A Power of Attorney was filed in the USPTO on September 04, 2001, and appointed Attorneys of WAGNER, MURABITO & HAO LLP as Attorneys of Record. The Power of Attorney improperly referred to the application Serial Number 09/783,318. This referred application Serial Number 09/783,318 was an apparent, typographical error. The right application Serial Number should have been 09/483,318 instead of 09/783,318. As a result of the typographical error, the Office Letter dated February 25, 2003 (Paper No. 5) was erroneously mailed to the following correspondence address: WAGNER, MURABITO & HAO LLP, Two North Market Street, Third Floor, San Jose, CA 95113.

2. The proper correspondence address is:

HOFFMAN, WASSON & GITLER, P.C.
2361 Jefferson Davis Highway
Suite 522
Arlington, VA 22202;

and Attorneys of Record are those of HOFFMAN, WASSON & GITLER, P.C.

3. A Notice of Abandonment for failure to reply within the Shortened Statutory period set in the Office Letter February 25, 2003 (Paper No. 5) has not been issued by the USPTO.

Since (1) the Attorneys of Record are those of HOFFMAN, WASSON & GITLER, P.C., not those of WAGNER, MURABITO & HAO LLP, (2) the Office Letter dated February 25, 2003 (Paper No. 5) was mailed to an erroneous correspondence address, and (3) a Notice of Abandonment has not been issued by the USPTO, the Petition is **DISMISSED** as moot.

The application will be forwarded to the Supervisory Legal Instruments Examiner with the instructions to redate and remail the Office Letter dated February 25, 2003 (Paper No. 5) to the proper correspondence address.

Bot LeDynh, J.D., Ph.D.
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 305-0651

C/C:

HOFFMAN, WASSON & GITLER, P.C.
2361 Jefferson Davis Highway 2461 South Clark Street
Suite 522
Arlington, VA 22202

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**

JOHN S. PRATT, ESQ.
KILPATRICK STOCKTON LLP
1100 PEACHTREE STREET, SUITE 2800
ATLANTA, GA 30309

COPY MAILED

JUN 1 8 2002

OFFICE OF PETITIONS

In re Application of	:	
Sydney D. Daniel et al	:	
Application No. 09/783,354	:	DECISION GRANTING PETITION
Filed: February 14, 2001	:	UNDER 37 CFR 1.137(f)
Attorney Docket No. 14060/205649	:	

This is a decision on the petition, filed June 4, 2002, to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

The petition is **GRANTED**.

The instant nonprovisional application is the subject of an application filed in a foreign country on January 23, 2002. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(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 instant petition has been found to be in compliance with 37 CFR 1.137(f).

Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Corrected Filing Receipt which sets forth the projected publication date of accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (703) 305-8680.

This application is being forwarded to Technology Center Art Unit 1772 to await a reply to the nonfinal Office action mailed March 28, 2002. Failure to timely reply to the March 28, 2002 Office action will result in the abandonment of the application.

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

ATTACHMENT: 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

JOHN S. PRATT, ESQ.
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

COPY MAILED

MAR 30 2005

OFFICE OF PETITIONS

In re Application :
Daniel, et al. :
Application No. 09/783,354 : PATENT TERM ADJUSTMENT
Filed: February 14, 2001 :
Dkt. No.: IRC293-14060/205649 :

This letter is in response to the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 35 U.S.C. 154(b)," filed October 15, 2004. This matter is being treated under 37 CFR 1.705(b).

Applicants argue that the Office will have failed to issue the patent within three years from the date the application was filed in accordance with 35 U.S.C. 154(b) and request an adjustment of 423 days.

Applicants are advised that decision on the instant request for reconsideration of patent term adjustment ("PTA") under 37 CFR 1.705(d) is hereby **held in abeyance** subject to an issuance date being set by the Office of Patent Publications at which time the PTA will be routinely recalculated.

Applicants are further advised to submit a letter to the Office within two months of the issuance of the patent if, at the time of issuance of the patent, the appropriate adjustment under 37 CFR 1.702(b) has not been accorded.

In view thereof, at the time of Notice of Allowance the application is entitled to a patent term adjustment of 0 days.

The Office acknowledges receipt of the required fee of $200.00 for an application for patent term adjustment.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of 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

JOHN S. PRATT, ESQ
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
ATLANTA, GA 30309

COPY MAILED

SEP 16 2005

OFFICE OF PETITIONS

In re Patent No. 6,908,656 :
Issued: June 21, 2005 :
Application No. 09/783,354 : PATENT TERM ADJUSTMENT
Filed: February 14, 2001 :
Atty. Dkt. No.: IRC293-14060/205649 :
:

This is a decision on the "Letter in Response to Patent Term Adjustment Letter..." submitted July 22, 2005. This matter is being treated as an application for patent term adjustment under 37 CFR 1.705(d).

The application for patent term adjustment ("PTA") under 37 C.F.R. § 1.705(d) is **DISMISSED**.

The above-identified application matured into U.S. Patent No. 6,908,656 on June 21, 2005. Applicants submitted an application for patent term adjustment (PTA) under 37 CFR 1.705(b) on October 15, 2004 and argued that in accordance with 37 CFR 1.702(b), the then pending application was entitled to an increase in adjustment because the application was slated to issue more than three years beyond the date upon which the application was filed. The decision mailed March 30, 2005 advised that a decision regarding the request for additional adjustment under 37 CFR 1.702(b) would be held in abeyance pending issuance of the patent. The decision further advised applicants to submit a letter within two months of the issuance of the patent if at the time of issuance the appropriate adjustment under 37 CFR 1.702(b) had not been accorded.

Applicants have submitted the instant application for PTA under grounds set forth at 37 CFR 1.704(c)(10), not 37 CFR 1.702(b). Accordingly, petitioners' attention is directed to the provisions of 37 CFR 1.705(d) wherein it states:

> If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the patent must be filed within two months of the date the patent issued and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section. Any request for reconsideration under this section that raises issues that were raised, or could have been raised, in an application for patent term adjustment under paragraph (b) of this section shall be dismissed as untimely as to those issues.

Applicants are further advised that the provisions of 37 CFR 1.705(b)(1) require applicants to submit the required application fee of $200.00 for any application for patent term adjustment pursuant to 37 CFR 1.705(d).

Applicants herein have failed to submit the required application fee. Accordingly, the instant application for PTA for grounds raised under 37 CFR 1.704(c)(10) is hereby **DISMISSED**.

Moreover, assuming arguendo that applicants had properly complied with the provisions of 37 CFR 1.705(b)(1) and 1.705(d) and submitted the instant application for adjustment for grounds raised under 37 CFR 1.704(c)(10), the application for adjustment would nonetheless be subject to dismissal.

Applicants submitted a miscellaneous paper on October 13, 2004. Accordingly, a reduction of 120 days was accorded under 37 CFR 1.704(c)(10).

Applicants argue that the miscellaneous paper submitted October 13, 2004 was necessitated by the fact that the PTO prior to the issuance of the Notice of Allowance failed to initial applicants PTO/SB08a which had been submitted September 15, 2003.

Petitioners' argument is deemed without merit. Submission of an amendment under § 1.312 or other paper after a notice of allowance has been given or mailed is deemed a failure to engage in reasonable efforts to conclude prosecution (or processing). This is certainly the case herein whereby prior to the issuance of the Notice of Allowance, applicants could have requested review of the PTO/SB08a. Specifically, a supplemental non-final Office action was mailed June 2, 2004. Applicants' response to the supplemental non-final Office action submitted July 12, 2004 did not request action on the PTO/SB08a form. Thus, the request submitted October 13, 2004 could have been made prior to the issuance of the Notice of Allowance. As a result, submission of the request after such as time as the Notice of Allowance was mailed is deemed a failure to engage in reasonable efforts to conclude prosecution (or processing).

Thus, the PTA, as correctly indicated on the patent, is 157 days.

Any request for reconsideration of this decision must be submitted within 30 days of the mail date of this decision. This period of time for response cannot be extended under 37 CFR 1.136.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

Karen A. Ferriter for

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of 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

Fish & Richardson, P.C.
225 Franklin Street
Boston, MA 02110-2804

MAILED

DEC 17 2004

Technology Center 2100

In re Application of:
Julian ORBANES, et al.
Application No. 09/783,417
Filed: February 14, 2001
For: METHOD AND APPARATUS FOR CREATING CUSTOM FORMATS FOR VIEWING INFORMATION IN VIRTUAL SPACE

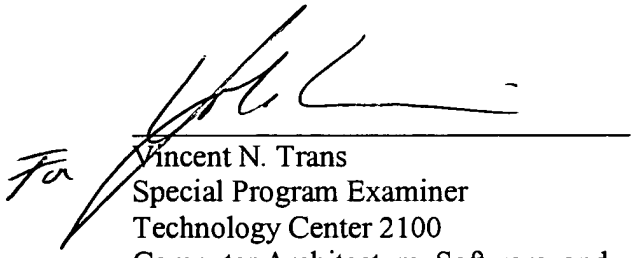
DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed May 12, 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: GeoPhoenix, Inc.
52 Trowbridge Street, #5
Cambridge, MA 02139

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 22

FISH & RICHARDSON
1425 K STREET, N.W.
11TH FLOOR
WASHINGTON DC 20005-3500

COPY MAILED

DEC 12 2003

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Shunpei Yamazaki et al :
Application No. 09/783,426 :
Filed: February 15, 2001 :
Attorney Docket No. 12732-016001/US4359 :

This is a decision on the petition, filed December 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 October 28, 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 2875 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

THOMAS H. CLOSE
PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

COPY MAILED

JAN 10 2006

OFFICE OF PETITIONS

In re Application of	:	
Ward et al.	:	
Application No. 09/783,437	:	ON PETITION
Filed: February 14, 2001	:	
Attorney Docket No. 75275B/PRC	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 19, 2005, 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 with requisite fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

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
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. 4

Fish & Neave
1251 Avenue of the Americas
50th Floor
New York, New York 10020-1105

MAILED

SEP 13 2001

Technology Center 2100

In re Application of: Jose P. S. Ferreira)
Application No. 09/783,448) **DECISION ON REQUEST FOR**
Filed: February 14, 2001) **WITHDRAWAL AS ATTORNEY**
For: METHODS AND SYSTEMS FOR)
PRESENTING A VIRTUAL)
REPRESENTATION OF A REAL)
CITY)

This is a decision on the Request To Withdraw from Representation filed August 29, 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.

There is no statement that Alexander Shvarts is ***authorized*** to sign on behalf of the other listed attorneys. Therefore, the request is **DENIED**.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

NOV 2 7 2001

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2100

Paper No. 6

Fish & Neave
1251 Avenue of the Americas
50th Floor
New York, New York 10020-1105

In re Application of: Jose P. S. Ferreira)
Application No. 09/783,448)
Filed: February 14, 2001) **DECISION ON REQUEST FOR**
For: METHODS AND SYSTEMS FOR) **WITHDRAWAL AS ATTORNEY**
PRESENTING A VIRTUAL)
REPRESENTATION OF A REAL)
CITY)

This is a decision on the Request To Withdraw from Representation filed September 24, 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: Mr. Jose Ferreira
c/o VirtuaCities, Inc.
96 Fifth Avenue
Apt. 11K
New York, New York 10011

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCDONNELL, BOEHNEN, HULBERT & BERGHOFF, LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

COPY MAILED

SEP 17 2008

In re Application of :
Kristen McRedmond :
Application No. 09/783,499 : DECISION ON PETITION
Filed: February 14, 2001 :
Attorney Docket No. 07-1130 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 24, 2008, to revive the above-identified application.

The petition is **DISMISSED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 8, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 9, 2005.

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).

There are three periods to be considered during the evaluation of a petition under 37 CFR 1.137(b):

(1) the delay in reply that originally resulted in the abandonment;

(2) the delay in filing an initial petition pursuant to 37 CFR 1.137(b) to revive the application; and

(3) the delay in filing a grantable petition pursuant to 37 CFR 1.137(b) to revive the application.

Currently, the delay has not been shown to the satisfaction of the Director to be unintentional for periods (1) and (2).

As to Period (1):

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 (almost 3 years) 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) for period (1) 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. Accordingly, any renewed petition must clearly identify the party having the right to reply to avoid abandonment on July 9, 2005. That party, in turn must explain what effort(s) was made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, as Ms McRedmond was held the application at the time of abandonment, she should explain why this application became abandoned while it was under her control and what efforts were made to further reply of itself and with whom this matter was discussed outside of Ms. McRedmond. Copies of any correspondence relating to the filing, or not filing a further reply to the outstanding Office action are required from responsible person(s), and whoever else was involved with this application at the time of abandonment. Statements are required from any and all persons 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 (DC EMich 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 to Period (2):

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 2 ½ 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 (DC EMich 2005); Field Hybrids, LLC v. Toyota Motor Corp., 2005 U.S. Dist. LEXIS 1159 (D. Minn Jan. 27, 2005) at *21-*23. Statements are required from any and all person(s) responsible and having firsthand knowledge of the circumstances surrounding the protracted delay, after the abandonment date, in seeking revival.

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).

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.

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.**

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

To expedite consideration, petitioner may wish to contact the undersigned regarding the filing of the renewed petition under 37 CFR 1.137(b).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCDONNELL, BOEHNEN, HULBERT & BERGHOFF, LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

COPY MAILED

FEB 18 2009

OFFICE OF PETITIONS

In re Application of	:	
Kristen McRedmond	:	
Application No. 09/783,499	:	DECISION ON PETITION
Filed: February 14, 2001	:	
Attorney Docket No. 07-1130	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed January 21, 2009, to revive the above-identified application.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 8, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on July 9, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a reply, (2) the petition fee of $770, and (3) a proper statement of unintentional delay.

The petition is **GRANTED**.

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.

Telephone inquiries concerning this decision should be directed to undersigned at (571) 272-1642. All other inquiries concerning examination of this application should be directed to the Technology Center.

This application is being referred to Technology Center AU 3692 for appropriate action by the Examiner in the normal course of business on the reply previously received January 24, 2008.

April M. Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mailed: MAR 19 2004

WK

Paper No. 12

In re application of
Lester E. Cornelius et al.
Serial No. 09/783,520
Filed: February 15, 2001
For: TONER SEAL TEAR STRIP CONSTRUCTION

DECISION ON
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed July 7, 2003, for failure to respond to the Office Action dated October 22, 2002. Applicants' assert that a timely response was filed, but admit that the incorrect serial number was placed on the submitted papers.

DECISION

This petition 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 does not have merit.

37 CFR 1.5 Identification of application, patent or registration.

(a) No correspondence relating to an application should be filed prior to receipt of the application number from the Patent and Trademark Office. When a letter directed to the Patent and Trademark Office concerns a previously filed application for a patent, it ***must identify*** on the top page in a conspicuous location, the application number (consisting of the series code and the serial number; e.g., 07/123,456), or the serial number and filing date assigned to that application by the Patent and Trademark Office, or the international application number of the international application.

It is assumed that when a paper is submitted to the Office, the information is correct. The US serial number is the primary indicator for all of the patent applications at the office, and also the papers to be matched with said cases.

As admitted, the incorrect serial number was placed on the submitted documents.

Therefore, the holding of abandonment, set forth in the Notice of Abandonment of June 10, 2003 was proper and is maintained.

09/783, 520

The petition is **DENIED**.

Applicant is encouraged to file a Petition to Revive an Unintentional Abandoned Application.

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

Charles E. Temko
22 Marion Road
Westport, CT 06880

UNITED STATES 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: 5/18/05

WK

Paper No.

In re application of
Lester E. Cornelius et al.
Serial No. 09/783,520
Filed: February 15, 2001
For: TONER SEAL TEAR STRIP CONSTRUCTION

DECISION ON
PETITION

This is a decision on Applicant's request for reconsideration of the denial of the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed July 7, 2003, for failure to respond to the Office Action dated October 22, 2002.

Applicants' assert that a timely response was filed, but admit that the incorrect serial number was placed on the submitted papers. Applicants further note that the documents submitted contained the correct names of the applicants, filing date, title and that the correct serial number could have been obtained by contacting the Application division of the PTO. Applicants' assert that 37 CFR 1.5 states that any correspondence not containing identification will be returned to the center where a return address is available and will be accompanied by a cover letter that will indicate that if the return correspondence is resubmitted within two weeks, the original date of the correspondence will be considered by the PTO as the date of receipt of the correspondence.

DECISION

This petition 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 does have merit.

MPEP 502 states that all correspondence related to a national patent application already filed with the U.S. Patent and Trademark Office must include the identification of the application number or the serial number and the filing date assigned to the application by the Office. The Office can correct a minor error in the identification of the application provided the correct identification can be quickly discovered. Examples of minor errors are transposed numbers, typographical errors, and listing the parent application number.

Applicants' misidentification of the serial number of the application by one digit is considered minor and has been corrected. The papers originally filed December 9, 2002 have been placed in the proper file.

09/783, 520

The abandonment is withdrawn, the papers entered and the application forwarded to the examiner for action.

JMStone

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

Charles E. Temko
22 Marion Road
Westport, CT 06880

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 12

OBLON SPIVAK MCCLELLAND MAIER & NEUSTADT PC
FOURTH FLOOR
1755 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

MAIL
23 cdc
SEP 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Yamaguchi et al.
Application No. 09/783,549
Filed: February 15, 2001
For: VIDEO ENCODING AND DECODING APPARATUS

ON PETITION

This is a decision on the request filed July 12, 2002 to withdraw the holding of abandonment. The request is being treated as a petition under MPEP 711.03(c)(II) and pursuant to 37 C.F.R. § 1.181(a). No fee is required.

The Notice of Abandonment was mailed June 11, 2002 for failure to timely submit the issue fee due May 7, 2002.

Petitioner alleges that no Notice of Allowance and Issue Fee Due was 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.

Petitioner has complied with requirements (a-c) above. Accordingly, the petition is **GRANTED.**

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The Notice of Allowance is hereby vacated. The application file will be forwarded to the TC 2600 Technical Support Staff to mail a new Notice of Allowance and Issue Fee Due and to restart the period for response.

Joseph J. Rolla Jr., Director
Technology Center 2600
Communications
(703) 305-9700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK NY 10112-3801

COPY MAILED

MAR 3 1 2006

OFFICE OF PETITIONS

In re Patent No. 6,963,371 B2	:	
Sakurai, et al.	:	
Issue Date: November 8, 2005	:	DECISION ON
Application No. 09/783,556	:	PATENT TERM ADJUSTMENT
Filed: February 15, 2001	:	
Attorney Docket No. 03600.015132	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)", filed January 9, 2006. Patentees request that the patent term adjustment indicated on the patent be corrected from eight hundred seven (807) days to nine hundred six (906) days.

The application for patent term adjustment is **GRANTED**.

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **nine hundred six (906)** days.

On November 8, 2005, the above-identified application matured into U.S. Patent No. 6,963,371 B2. The instant request for reconsideration filed January 9, 2006 was timely filed within two months of the date the patent issued. See §1.705(d). See also §1.7(a). The Patent issued with a Patent Term Adjustment of eight hundred seven (807) days.

Patentees state that the patent is not subject to a terminal disclaimer.

Patentees assert that they should not have been assessed applicant delay of ninety-nine (99) days for the submission of a "REQUEST FOR CORRECTED NOTICE OF ALLOWANCE" on June 27, 2005, seeking correction of the title of the invention, after the Notice of Allowance was mailed on June 6, 2005.

A review of the record reveals applicants previously filed an amendment on April 1, 2005, changing the title of the invention, in response to the examiner's objection to the title, mailed on February 25, 2005. However, the Notice of Allowance still indicated the old title, the one the examiner previously objected to. Accordingly, as this was the first opportunity for applicants to correct the title, the delay of ninety-nine (99) days is not warranted.

In view thereof, the correct determination of PTA at the time of issuance is nine hundred six (906) days (906 days of PTO delay and 0 days of applicant delay).

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 C.F.R. § 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **nine hundred six (906)** days subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Kery Fries

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

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 6,963,371 B2

DATED : November 8, 2005

INVENTOR(S) : Sakurai, et al.

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (807) days

Delete the phrase "by 807 days" and insert – by 906 days—

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 7

MEDTRONIC VASCULAR, INC.
IP LEGAL DEPARTMENT
3576 UNOCAL PLACE
SANTA ROSA CA 95403

COPY MAILED

JUN 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Chorenenky et al. :
Application No. 09/783,577 : DECISION ON PETITION
Filed: February 12, 2001 :
Attorney Docket : P775 CON 2
Title of Invention: X-Ray Catheter :

This is a decision on petition under 37 CFR 1.137(b), filed March 23, 2004, 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 April 29, 2002. 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 July 30, 2002. A Notice of Abandonment was mailed on December 15, 2003.

This petition is hereby **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.

Deposit account 50-2091 will be charged the $330.00 Notice of Appeal and the $1330.00 petition to revive fee.

The address on the petition differs from the correspondence address of record. While a courtesy copy of this decision is being mailed to the person signing the present petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

This application is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: Vincent B. Ingrassia
7150 E. Camelback Rd. Ste 325
Scottsdale, AZ 85251

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

WESTERMAN, HATTORI, DANIELS & ADRIAN, LLP
1250 CONNECTICUT AVENUE, NW
SUITE 700
WASHINGTON, DC 20036

Mail Date: 04/20/2010

Applicant	: Kiyokazu Moriizumi	: DECISION ON REQUEST FOR
Patent Number	: 7579553	: RECALCULATION of PATENT
Issue Date	: 08/25/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 09/783,598	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/15/2001	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **0** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WENDEROTH LIND & PONACK LLP
2033 K STREET NW, SUITE 800
WASHINGTON, DC 20006-1021

COPY MAILED

JAN 2 0 2006

OFFICE OF PETITIONS

In re Application of	:	
Mamoru Shoji et al	:	
Application No. 09/783,603	:	DECISION GRANTING PETITION
Filed: February 15, 2001	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2001_0160	:	

This is a decision on the petition, filed January 18, 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 2656 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

---

[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

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

COPY MAILED Paper No. 4

FOGG SLIFER & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS, MN 55458-1009

JUN 25 2001

OFFICE OF PETITIONS
A/C PATENTS

In re Application of
Mark Kaplun and Amir Cohen
Application No. 09/783,626
Filed: February 14, 2001
Attorney Docket No. 100.004US01
For: ALARM MECHANISM

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

This is in response to the petition under 37 CFR 1.47(b), filed February 14, 2001.

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. 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 inventors. Extensions of time under 37 CFR 1.136(a) are permitted. **Failure to respond will result in abandonment of the application.**

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 items (1), (2), and (4).

As to item (1), when there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration. Petitioner should supply a copy of the May 4, 2000 email from Cohen, along with a translation of the email into English.

As to (2), the 37 CFR 1.47(b) applicant must make the oath required by 37 CFR 1.63 and 1.64 or 1.175. Where a corporation is the 37 CFR 1.47(b) applicant, an officer (President, Vice-President, Secretary, or Treasurer) thereof should normally sign the necessary oath or declaration. A corporation may authorize any person, including an attorney or agent registered to practice before the Patent and Trademark Office, to sign the application oath or declaration on its behalf. Where an oath or declaration is signed by a registered attorney or agent on behalf of a corporation, either proof of the attorney's or agent's authority in the form of a statement signed by an appropriate corporate officer must be submitted, or the attorney or agent may simply state that he or she is authorized to sign on behalf of the corporation. Where the oath or declaration is being signed on behalf of an assignee, see MPEP Section 324. Where an application is executed by one other than the inventor, the declaration required by 37 CFR 1.63 must state the full name, residence, post office address, and citizenship of the nonsigning inventor. Also, the title or position of the person signing must be stated if signing on behalf of a corporation under 37 CFR 1.47(b).

As to (4), the address listed for the inventors on the petition and declaration differ slightly from the address listed on the copy of the September 6, 2000 letter to the inventors mailed by William Weisel. Petitioner should ensure that the addresses listed on the petition and declaration for the inventors are both complete and correct.

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

By mail:	Commissioner for Patents Box DAC Washington, D.C. 20231
By facsimile:	(703) 308-6916 Attn: Office of Petitions
By hand:	Office of Petitions 2201 South Clark Place Crystal Plaza 4, Suite 3C23 Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 7

FOGG SLIFER & POLGLAZE, P.A.
P.O. BOX 581009
MINNEAPOLIS, MN 55458-1009

COPY MAILED

AUG 2 9 2001

OFFICE OF PETITIONS

In re Application of
Mark Kaplun and Amir Cohen
Application No. 09/783,626
Filed: February 14, 2001
Attorney Docket No. 100.004US01
For: ALARM MECHANISM

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

This is in response to the renewed petition under 37 CFR 1.47(b), filed August 22, 2001.

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. 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 inventors. Extensions of time under 37 CFR 1.136(a) are permitted. **Failure to respond will result in abandonment of the application.**

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 items (1) and (2).

As to item (1), a review of the contents of the emails supplied makes the following statement in the original petition ambigous: "On or about May 2, 2000, I received from ADC's patent attorneys a first draft of the patent application for the above proposed patent and immediately forwarded it to the inventors." Petitioner must MAIL a copy of the application to both inventors. Unless the non-signing inventor is presented with a copy of the application papers, he cannot attest that he has "reviewed and understands the application papers" and therefore cannot sign a declaration, and the failure to sign will not constitute refusal within the meaning of 37 CFR 1.47. Sending a copy by email is unacceptable unless petitioner can prove that both nonsigning inventors were able to open the attachment and read the full document. If petitioner mailed a copy of the application to both inventors, then a statement to that effect should be supplied. If petitioner has not mailed a copy to both inventors, then such a copy should be mailed.

As to (2), a review of the declaration indicates that the portion with the inventors name, that has a background in grey, is illegible. Petitioner may wish to take steps to make the declaration more amenable to being sent by facsimile transmission or may wish to mail a copy of the declaration.

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

By mail:	Commissioner for Patents Box DAC Washington, D.C. 20231
By facsimile:	(703) 308-6916 Attn: Office of Petitions
By hand:	Office of Petitions 2201 South Clark Place Crystal Plaza 4, Suite 3C23 Arlington, VA 22202

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 11

COPY MAILED

APR 2 9 2002

OFFICE OF PETITIONS

Fogg Slifer & Polglaze P.A.
P.O. Box 581009
Minneapolis, MN 55458-1009

In re Application of : DECISION GRANTING
Mark Kaplun and Amir Cohen : PETITION UNDER
Application No. 09/783,626 : 37 CFR 1.47
Filed: February 14, 2001 :
Attorney Docket No. 100.004US01 :
For: Alarm Mechanism :

This is in response to the renewed petition under 37 CFR 1.47(b), filed January 22, 2002.

The petition is granted.

Petitioner has shown that the non-signing inventors have refused to join in the filing of the above-identified application after having been presented with the application papers.

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.

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.

The file is now being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

INTERNATIONAL BUSINESS MACHINES CORPORATION
INTELLECTUAL PROPERTY LAW
650 HARRY ROAD
SAN JOSE, CA 95120

Mail Date: 04/20/2010

Applicant	: Reiner Kraft	: DECISION ON REQUEST FOR
Patent Number	: 7610365	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 09/783,666	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/14/2001	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **2171** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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)
6664457	2003-12-16	09783684	2001-02-15	PHLV0395-001

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

SMALL ENTITY

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

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Michael F. Campillo/	Date (YYYY-MM-DD)	2008-01-28
Name	Michael F. Campillo	Registration Number	44583

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. 6664457
Issue Date: December 16,2003
Application No. 09783684
Filed: February 15,2001
Attorney Docket No. PHLV0395-001

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

This is a decision on the electronic petition, filed January 29,2008 ,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 January 29,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in 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

Fish & Richardson, P.C.
225 Franklin Street
Boston, MA 02110-2804

MAILED

DEC 17 2004

Technology Center 2100

In re Application of:
Julian ORBANES, et al.
Application No. 09/783,715
Filed: February 14, 2001
For: METHOD AND APPARATUS FOR ADDRESSING DATA OBJECTS IN VIRTUAL SPACE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed May 12, 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: GeoPhoenix, Inc.
52 Trowbridge Street, #5
Cambridge, MA 02139

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. 7

Blakely Sokoloff Taylor & Zafman
12400 Wilshire Blvd.
Seventh Floor
Los Angeles, CA 90025-1026

COPY MAILED

JUN 2 5 2003

OFFICE OF PETITIONS

In re Application of :
Kurt R. Browning :
Application No. 09/783,718 : ON PETITION
Filed: February 14, 2001 :
Attorney Docket No. 42390P12236C2 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 20, 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 Notice to File Missiing Parts (Notice) mailed April 11, 2001, which set a shortened statutory period for reply of (2) Two Months. No extensions of time having been obtained. The application became abandoned on June 12, 2001.

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

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

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)
6,894,602	2005-05-17	09/783,718	2001-02-14	P12236C2

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

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Robert A. Greenberg/	Date (YYYY-MM-DD)	2009-10-30
Name	Robert A. Greenberg	Registration Number	44133

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. 6894602
Issue Date: May 17,2005
Application No. 09783718
Filed: February 14,2001
Attorney Docket No. 42390P12236C2

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

This is a decision on the electronic petition, filed October 30,2009 ,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 October 30,2009 . 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

DEPARTMENT OF THE AIR FORCE
AFMC LO/JAZ
BLdg 11, Room D18
WRIGHT-PATTERSON AFB OH 45433-7109

COPY MAILED

DEC 3 1 2008

OFFICE OF PETITIONS

In re Patent No. 6,770,724 :
Issue Date: August 3, 2004 : ON PETITION
Application No.: 09/783,719 :
Filed: February 16, 2001 :
Attorney Docket No.: AFB00563 :

This is a decision on the petition, filed December 3, 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 patent issued August 3, 2004. The grace period for paying the 3.5-year maintenance fee expired at midnight August 3, 2008. Therefore, since the petition was filed within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), this petition was timely filed under the provisions of 37 CFR 1.378(c).

Accordingly, the 3.5-year maintenance fee of $980.00 along with the surcharge of $1640.00 was received on December 3, 2008, and is accepted. The above-identified patent is hereby reinstated as of the mail date of this decision.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CAREY, RODRIGUEZ, GREENBERG & PAUL LLP
ATTN: STEVEN M. GREENBERG, ESQ.
950 PENINSULA CORPORATE CIRCLE
SUITE 3020
BOCA RATON, FL 33487

COPY MAILED

JUL 22 2008

OFFICE OF PETITIONS

In re Application of	:	
Thomas R. Firman	:	
Application No. 09/783,725	:	ON PETITION
Filed: February 14, 2001	:	
Attorney Docket No. 1026-003U	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 24, 2008, 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 June 25, 2007. A Notice of Abandonment was mailed on January 10, 2008. 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)(II)(A)(2).

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 $405 and the submission required by 37 CFR 1.114; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2626 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 4

David B. Cochran, Esquire
Jones, Day, Reavis & Pogue
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114

MAIL

MAY 3 0 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Gary Mousseau et al.)
Application No. 09/783,726)
Filed: February 14, 2001)
For: SYSTEM AND METHOD FOR PUSHING INFORMATION FROM A HOST SYSTEM TO A MOBILE DATA COMMUNICATION DEVICE)

DECISION ON PETITION UNDER M.P.E.P. §708.02(II): INFRINGEMENT

This is a decision on the petition, filed May 4, 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
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, DC 20231
www.uspto.gov

Paper No. 8

Martin J. Jaquez, Esq.
JAQUEZ & ASSOCIATES
750 B Street, Suite 2640
San Diego CA 92101

MAIL

JAN 13 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Stanislaw Czaja et al :
Application No. 09/783,729 :
Filed: February 13, 2001 :
For: **METHOD AND APPARATUS FOR CONTROLLING FORWARD LINK POWER DURING AN INTERGENERATIONAL SOFT HANDOFF IN A CDMA COMMUNICATION SYSTEM** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on November 25, 2002.

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 met all of the above. Accordingly, the request is **GRANTED**.

All attorneys and agents of record in this application are removed from 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.

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

cc: LSI LOGIC CORPORATION
1551 McCarthy BLVD.
Milpitas, CA 90535

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mailed: JAN 29 2004

RPG
Paper No. 7

In re application of
Barrett Richard Bobsein et al.
Serial No. 09/783,738
Filed: February 15, 2001
For: BINDER COMPOSITION

DECISION ON
PETITION

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT, filed August 28, 2003, for failure to respond to the Notice to File Missing Parts, dated April 5, 2001. Applicants assert that a timely response was filed.

DECISION

Since petitioner asserts that all papers were timely 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 contend that all papers were timely filed originally, on February 15, 2000. Further, in response to the said Notice, applicants' faxed in a copy of all papers that were filed on April 13, 2001. A copy of said fax, and its filing date are attached as evidence. Also, through researching applicants' own fee records, they have credibly shown that the $710 fee required by the Notice was charged by the USPTO on February 23, 2001 under attorney docket A01013 to the incorrect US case (09/784013), which is not the property of Rohm and Haas Company. Of note, the $710 fee charged to the incorrect US file was withdrawn on April 5, 2001, as seen on the RAM Fee History of the case.

Therefore, the Notice of Abandonment dated July 14, 2003 is hereby withdrawn.

The Petition is **GRANTED.**

The case will be delivered to OIPE and returned to pending status. OIPE will then enter of all of the attached papers, and charge the basic filing fee as required by the Notice to File Missing Parts. After such is completed, the case will be returned to the TC for assignment and examination.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

James G. Vouros
Rohm and Haas Company
Patent Department
100 Independence Mall West
Philadelphia, PA 19106-2399

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

C. Douglas McDonald
Carlton Fields, P.A.
P.O. Box 3239
Tampa, Florida 33601-3239

MAIL

JUN 2 9 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Michael Miller et al.)
Application No. 09/783,759)
Filed: February 14, 2001) **DECISION ON REQUEST FOR**
For: SYSTEM, METHOD AND ARTICLE) **WITHDRAWAL AS ATTORNEY**
OF MANUFACTURE FOR A)
NETWORK-BASED GIFT)
REGISTRY SYSTEM

This is a decision on the Request To Withdraw from Representation filed June 11, 2001 and supplemented by the filing of June 20, 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 filed June 20, 2001 meets all the requirements. Accordingly 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: Anthony R. Barkume
Greenberg Traurig, LLP
885 Third Avenue, 21st Floor
New York, New York 10022

#18

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

MAILED

MAY 27 2003

Office of the Director
Group 3600

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

In re Application of
Robert A. Vito
Application No. 09/783,774
Filed: February 15, 2001
For: ANTI-THEFT BRAKE LOCKING DEVICE

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in reply to applicant's communication, filed in the United States Patent and Trademark Office on April 9, 2003, which is being treated as a petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition is **DENIED**

A review of the file record indicates that a Final Office action was mailed on December 4, 2002 setting a three-month shortened statutory period. The Office action also stated that, "due to the related litigation status of this reissue application, EXTENSIONS OF TIME UNDER THE PROVISIONS OF 37 CFR 1.136(a) WILL NOT BE PERMITTED."

The petition states that the application was transferred to the petitioner's from another law firm. When the application was entered into the docketing system, the petitioner and the docketing staff unintentionally failed to notice that extensions of time under 37 CFR 1.136(a) were not permitted. This error was discovered on April 1, 2003 by the petitioner. Petitioner requests the entry of the amendment submitted with the petition and includes a request for a one-month extension of time under 37 CFR 1.136(a).

As indicated in the Office communication of December 4, 2002, extension of time under the provisions of 37 CFR 1.136(a) is not permitted. Since an extension of time under 37 CFR 1.136(a) is not permitted, applicant's request for an extension of time will be treated under the provisions of 37 CFR 1.136(b). Pursuant 37 CFR 1.136(b), "[w]hen a reply cannot be filed within the time period set for such reply and the provisions of paragraph (a) of this section are not available, the period for reply will be extended only for sufficient cause and for a reasonable time period. Any request for an extension of time under this paragraph must be filed on or before the day on which such reply is due."

Applicant's request for an extension of time under the provisions of 37 CFR 1.136(b) will not be granted since the request was not filed on or before the day which the reply was due. Since a timely filed reply was not received within the three-month period for reply which expired on March 4, 2002 and no extensions of time under the provisions of 37 CFR 1.136(a) or (b) is possible, the application was properly held abandoned, although no formal notice of abandonment has yet been mailed.

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(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.181."

Steven N. Meyers
Special Program Examiner
Patent Technology Center 3600
(703) 308-3868
Facsimile No.: (703) 605-0586

SNM/tpl: 5/20/03

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 22

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103

COPY MAILED

JUN 17 2003

OFFICE OF PETITIONS

In re Application of :
Robert A. Vito :
Application No. 09/783,774 : ON PETITION
Filed: February 15, 2001 :
Attorney Docket No. 10332-1RE :

This is a decision on the petition under 37 CFR 1.137(b), submitted by facsimile transmission on June 4, 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 December 4, 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 March 5, 2003.

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 3600, Art Unit 3676 for processing the Request for Continued Examination under 37 CFR 1.114, filed on June 4, 2003.

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

Sherry D. Brinkley
Petitions Examiner

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 14

DATE : 8/30/2006

TO SPE OF : ART UNIT 2600 (~~2664~~) 2616

SUBJECT : Request for Certificate of Correction on Patent No.: 6,963,546

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 data to (56) Other Publications as requested in C of C?

Thank You For Your Assistance

Ernest C. White, LIE (703) 308-9390x122
Certificates of Correction Branch

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 2616 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. 10

CEASAR RIVISE BERNSTEIN COHEN & POKOTILLOW LTD
SEVEN PENN CENTER
1635 MARKET STREET
12TH FLOOR
PHILADELPHIA, PA 19103-2212

COPY MAILED

JUL 15 2005

OFFICE OF PETITIONS

In re Application of
Sheridan, Timothy B.
Application No. 09/783,811
Filed: February 15, 2001
Attorney Docket No. S2029/20001

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 9, 2005, 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.

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 22, 2002. Accordingly, the above-identified application became abandoned on January 23, 2003. A Notice of Abandonment was mailed on March 5, 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 (3).

It is unclear whether the *entire* delay in filing the required reply was unintentional. In section 5 of the declaration of applicant, Timothy B. Sheridan, submitted with the instant petition, the applicant states, "During my hospitalizations, I have received medical treatment which has enabled me to temporarily regain my ability to make rational and informed decisions." Next, in section 8, the applicant states that on August 12, 2003, "I informed Mr. Berkowitz that I had no further interest in pursuing the above-captioned application and instructed him to do no further work on this case." Presently, petitioner has failed to submit any documentation that would lead one to believe that the applicant could not make "rational and informed decisions" in August 2003.

Further, the above-identified application has been abandoned for an extended period of time. As stated by the applicant, there were times when Mr. Sheridan *could* make rational and informed decisions. It is unclear why the applicant did not attempt to ensure revival of the application during such periods, rather than waiting until May 2005 to file the instant petition.

Accordingly, to revive the above-identified application, documents addressing the above issues should be 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
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

CEASAR RIVISE BERNSTEIN COHEN & POKOTILLOW LTD
SEVEN PENN CENTER
1635 MARKET STREET
12TH FLOOR
PHILADELPHIA, PA 19103-2212

COPY MAILED

AUG 09 2007

OFFICE OF PETITIONS

In re Application of :
Sheridan, Timothy B. :
Application No. 09/783,811 : ON PETITION
Filed: February 15, 2001 :
Attorney Docket No. S2039/20001 :

This is a decision on the petitions under 37 C.F.R. § 1.137(b), filed June 29, 2007 and July 26, 2007, 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.

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]

The instant petition continues to lack item (3) as discussed in the petition decision mailed July 15, 2005. Additionally, it is further unclear why a renewed petition was not filed until June 29, 2007, almost two full years after the first petition decision was rendered.

---

[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 file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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
Customer Service Window Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

Cc:

TIMOTHY B. SHERIDAN
7927 ROANOKE
PHILADELPHIA, PA 19118

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TIMOTHY SHERIDAN
7927 ROANOKE
PHILADELPHIA PA 17118

COPY MAILED

JUL 0 1 2008

OFFICE OF PETITIONS

In re Application of	:	
Sheridan, Timothy B.	:	
Application No. 09/783,811	:	DECISION ON PETITION
Filed: February 15, 2001	:	
Title: SMOKELESS PIPE	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed March 27, 2008, to revive the above-identified application.

The petition is **GRANTED**.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3). The statement, "I was delayed the entire time by believing my lawyer's filing of a second patent which was appropriate," 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) 272-3206. Inquiries concerning the issuance of a patent should be directed to the Office of Data Management.

This matter is being referred to the Office of Data Management for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 6

MICHAEL J. MALLIE
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES, CA 90025-1026

COPY MAILED

FEB 0 6 2004

OFFICE OF PETITIONS

In re Application of
Abdallah et al.
Application No. 09/783,875
Filed: February 14, 2001
Attorney Docket No. 42390P4912X

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 12, 2004, 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.

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 March 20, 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 May 21, 2001. A Notice of Abandonment was mailed on October 8, 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

[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.

under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

The instant petition lacks item (1). The declaration submitted with the petition lacks compliance with 37 CFR 1.63 and 1.64. The declaration fails to set forth Hsien-Cheng E. Hsieh's citizenship, residence and mailing address and does not include the fact that the inventor is deceased on the declaration. Additionally, the declaration does not identify a legal representative by name, residence, citizenship and mailing address. Therefore, a declaration in compliance with 37 CFR 1.63 and 1.64 is required. Accordingly, a new declaration which lists all the inventors and is signed by all the signing inventors and the legal representative is required. See MPEP 409.

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

[2] See MPEP 711.03(c)(III)(C) and (D).

UNITED STATES 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

MICHAEL J. MALLIE
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN, LLP
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES, CA 90025-1026

COPY MAILED

AUG 1 9 2004

OFFICE OF PETITIONS

In re Application of	:	
Abdallah et al.	:	
Application No. 09/783,875	:	ON PETITION
Filed: February 14, 2001	:	
Attorney Docket No.: 42390P4912X	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed August 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 Notice to File Missing Parts of Application (Notice) mailed March 20, 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 May 21, 2001. A Notice of Abandonment was mailed on October 8, 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 the Office of Initial Patent Examination for further processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

COPY MAILED

MAY 20 2005

OFFICE OF PETITIONS

In re Application of :
Mohammad Abdallah, Prasad Modali, Hsien-Cheng E. Hsieh (deceased), Thomas R. Huff, Vladimir Pentkovski, Patrice Roussel and Shreekant S. Thakkar :
Application No. 09/783,875 :
Filed: February 14, 2001 :
Attorney Docket No. 42390P4912X :

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the "Petition Under 37 CFR 1.47(a)," filed April 26, 2005.

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's legal representative. **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 February 14, 2001, without an executed oath or declaration, and naming Mohammad Abdallah, Prasad Modali, Hsien-Cheng E. Hsieh (deceased), Thomas R. Huff, Vladimir Pentkovski, Patrice Roussel and Shreekant S. Thakkar as joint inventors.

The instant petition was filed on April 26, 2005.

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), as set forth above.

As to item (1), applicant appears to demonstrate that the non-signing inventor's legal representative was only presented with the declaration and power of attorney. Unless the non-signing inventor's legal representative was presented with a copy of the application papers (specification, claims and drawings), the non-signing inventor's legal representative could not attest that she has "reviewed and understands the application papers" and therefore could not sign the declaration which she was given. Accordingly, Rule 47 applicant failed to show or provide proof that the non-signing inventor's legal representative has refused to sign the declaration. See MPEP 409.03(d). Petitioner should show that a copy of the application papers was presented the non-signing inventor's legal representative, but that she did not respond to, or refused, the request that she sign the oath/declaration in order to show that the inventor has refused to join in the application. The proof of the pertinent events should be made by a statement of someone with first hand knowledge of the events.

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

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

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

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
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

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

COPY MAILED

SEP 2 3 2005

OFFICE OF PETITIONS

In re Application of :
Mohammad Abdallah, Prasad Modali, Hsien- :
Cheng E. Hsieh (deceased), Thomas R. Huff, :
Vladimir Pentkovski, Patrice Roussel and :
Shreekant S. Thakkar :
Application No. 09/783,875 : DECISION GRANTING PETITION
Filed: February 14, 2001 : UNDER 37 CFR 1.47(a)
For: METHOD AND APPARATUS FOR :
FLOATING POINT OPERATIONS AND :
FORMAT CONVERSION OPERATIONS :

This is in response to the "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," filed September 9, 2005.

The petition is **granted**.

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

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

The file is being returned to Technology Center 2800.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
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.go

MS. CHIEN-YU HUANG
As Legal Representative
of Hsien-Cheng E. Hsieh
6563 NORTHRIDGE DRIVE
SAN JOSE, CA 95120-5518

COPY MAILED

SEP 2 3 2005

OFFICE OF PETITIONS

In re Application of
Mohammad Abdallah, Prasad Modali, Hsien-Cheng E. Hsieh (deceased), Thomas R. Huff, Vladimir Pentkovski, Patrice Roussel and Shreekant S. Thakkar
Application No. 09/783,875
Filed: February 14, 2001
For: METHOD AND APPARATUS FOR FLOATING POINT OPERATIONS AND FORMAT CONVERSION OPERATIONS

Dear MS. CHIEN-YU HUANG:

Hsien-Cheng E. Hsieh is 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, Hsien-Cheng E. Hsieh will be designated therein as a joint inventor.

As the named inventor's legal representative, 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 on behalf of Hsien-Cheng E. Hsieh, 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 on behalf of Hsien-Cheng E. Hsieh pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (571) 272-3228. 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).

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 9

GARVEY SMITH NEHRBASS & DOODY, LLC
THREE LAKEWAY CENTER
3838 NORTH CAUSEWAY BLVD., SUITE 3290
METAIRIE, LA 70002

COPY MAILED

OCT 2 4 2005

OFFICE OF PETITIONS

In re Application of Hutchinson :
Application No. 09/783,906 : Decision on Petition
Filing Date: February 16, 2001 :
Attorney Docket No. A05360US (99023.1) :

This is a decision on the petition under 37 C.F.R. § 1.137(a), filed July 5, 2005, to revive the above-identified application.

The petition is **granted.**

This application became abandoned for failure to timely reply within two months to the March 16, 2001 Notice to File Corrected Application Papers. An extension of time under the provisions of 37 CFR 1.136(a) was not obtained. Accordingly, this application became abandoned on May 17, 2001. A Notice of Abandonment was mailed on January 3, 2003.

The instant petition seeks revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(a). Therefore, the petition is granted.

The application will now be forwarded to the Office of Initial Patent Examination for consideration of the drawings filed on July 5, 2005, and for further processing.

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

Cc: Fax # 504-835-2070

UNITED STATES
PATENT AND
TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

OCT 15 2003

#21

In re Application of :
BERNARD CHARLES SHERMAN : **NOTICE OF WITHDRAWAL**
Serial No.09/783,969 : FROM ISSUE
Filed: 02/16/01 : UNDER 37 CFR 1.313(b)
For: EMULSION PRECONCENTRATED COMPRISING A CYCLOSPORIN AND ACETYLATED MONOGLYCERIDE

The above-identified application is withdrawn from issue after payment of the issue fee due to unpatentability of one or more claims. 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 Thurman Page 703-308-2927.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

John J. Doll
Director, Technology Center 1600

Neil H. Hughes
Suite 200
175 Commerce Valley Drive West
Thornhill, Ontario, Canada L3T7P6

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Lowe Hauptman Gilman & Berner, LLP
1700 Diagonal Road
Suite 310
Alexandria, VA 22314

COPY MAILED

NOV 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Yrjo Suolahti :
Application No. 09/783,982 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. 713-390 :

This is a decision on the petition filed October 21, 2004, under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

A "Notice of Allowance and Issue Fee Due" (Notice) was mailed to applicant on May 28, 2004, which set a three-month statutory period for paying the issue fee. As no reply was received, the application technically became abandoned on July 29, 2004.

Petitioner alleges that the Notice was never received. A review of the file record shows that the Notice was returned to the USPTO as undeliverable on July 7, 2004.

MPEP 707.13 states in pertinent part:

> 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 address to an attorney, a letter may be written to the inventor or assignee informing him or he 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).

It appears from the record that the examiner did not follow the instructions provided in MPEP 707.13, noted above. In view thereof, the abandonment of the application is hereby withdrawn.

According to Office records, a supplemental Notice of Allowability was mailed to applicant on June 23, 2005. However, the supplemental Notice did not restart the time period for reply.

The Office sincerely apologizes for the delay in rendering a decision on the petition. Unfortunately, the petition did not reach the appropriate deciding official timely. Any inconvenience to petitioner is regretted.

The application matter will be referred to Technology Center for remailing of the Notice of Allowance and Issue Fee Due and restarting the period for paying the issue fee.

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-3223. Any inquiries regarding the remailing of the Notice should be directed to the assigned Examiner.

Marianne E. Jenkins
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

Lowe Hauptman Gilman & Berner, LLP
1700 Diagonal Road
Suite 310
Alexandria, VA 22314

COPY MAILED

NOV 1 0 2005

OFFICE OF PETITIONS

In re Application of :
Yrjo Suolahti :
Application No. 09/783,982 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. 713-390 :

This is a decision on the petition filed October 21, 2004, under 37 CFR 1.181 to withdraw the holding of abandonment.

The petition is **GRANTED**.

A "Notice of Allowance and Issue Fee Due" (Notice) was mailed to applicant on May 28, 2004, which set a three-month statutory period for paying the issue fee. As no reply was received, the application technically became abandoned on July 29, 2004.

Petitioner alleges that the Notice was never received. A review of the file record shows that the Notice was returned to the USPTO as undeliverable on July 7, 2004.

MPEP 707.13 states in pertinent part:

> 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 address to an attorney, a letter may be written to the inventor or assignee informing him or he 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).

It appears from the record that the examiner did not follow the instructions provided in MPEP 707.13, noted above. In view thereof, the abandonment of the application is hereby withdrawn.

According to Office records, a supplemental Notice of Allowability was mailed to applicant on June 23, 2005. However, the supplemental Notice did not restart the time period for reply.

The Office sincerely apologizes for the delay in rendering a decision on the petition. Unfortunately, the petition did not reach the appropriate deciding official timely. Any inconvenience to petitioner is regretted.

The application matter will be referred to Technology Center for remailing of the Notice of Allowance and Issue Fee Due and restarting the period for paying the issue fee.

Any inquiries regarding this decision should be directed to the undersigned at (571) 272-3223. Any inquiries regarding the remailing of the Notice should be directed to the assigned Examiner.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

NOTICE RE: CERTIFICATES OF CORRECTION

DATE : 5/23/01 Paper No.: _____

TO : Supervisor, Art Unit 2851

SUBJECT : Certificate of Correction Request in Patent No.: 6,665,053 B2 09/284,054

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

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

PLEASE COMPLETE THIS FORM AND RETURN WITH FILE, WITHIN 7 DAYS, TO CERTIFICATES OF CORRECTION BRANCH - PK 3-915/922 PALM LOCATION 7580 - TEL. NO. 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: _____

JUDY NGUYEN
SUPERVISORY PATENT EXAMINER

_____ 2851

Supervisor 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

CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS, TX 75380

COPY MAILED

AUG 0 1 2008

In re Patent No. 6,430,395
Application No. 09/784,109
Filing Date: February 16, 2001
Issue Date: August 6, 2002
Attorney Docket No. CCOMM.0101

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.182, filed September 21, 2007, requesting issuance of duplicate Letters of Patent for the above-identified patent.

The petition is **granted**.

The file record discloses that the above-cited application matured into U.S. Patent No. 6,430,395 on August 6, 2002. Petitioner contends, however, that the patent was received but lost thereafter[1].

In view of the facts set forth in the petition, it is concluded that the original Letters of Patent was lost after receipt. The Office of Data Management is directed to issue duplicate Letters of Patent.

Any questions concerning this decision may be directed to the undersigned at (571)272-3222. Any questions concerning issuance of the duplicate Letter of Patent should be directed to Niomi Farmer, Office of Data Management at (703) 308-9250 extension 129.

A copy of this decision is being forwarded to the Office of Data Management for issuance of a duplicate Letter of Patent.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc: Niomi Farmer—Office of Data Management FAX: 571-270-9753

[1] It is noted that the attorney of the record for this application made this request on behalf of the assignee for the application. A certificate under 37 CFR 3.73(b) was not required because the request was made by the attorney or record in the application who is registered with the United States Patent and Trademark Office.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

MAY 27 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

FOLEY & LARDNER
3000 K Street, N.W.
Suite 500
Washington, DC 20007-5109

In re Application of
Takuji Tanimura
Application No. 09/784,140
Filed: February 16, 2001
For: **HYBRID TYPE TELEPHONY SYSTEM**

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the Request for Withdrawal as attorney or agent and change of address filed on February 22, 2005.

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 met all of the above. Accordingly, the request is **GRANTED**.

All attorneys/agents with Customer Number (22428) in the request are 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.

Ken A. Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

CC:

HARRITY & SNYDER, LLP
11240 WAPLES MILL ROAD
SUITE 300
FAIRFAX VA 22030

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ARENT FOX PLLC
1050 CONNECTICUT AVENUE NW, SUITE 400
WASHINGTON, DC 20036

COPY MAILED

MAR 0 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Yusuke Kawasaki et al	:	
Application No. 09/784,151	:	DECISION GRANTING PETITION
Filed: February 16, 2001	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 108066-00030	:	

This is a decision on the petition, filed February 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 January 30, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2137 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Mar9\784151.wpd

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission), which includes the following language thereon: "The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee in the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

COPY MAILED

NOV 0 7 2007

OFFICE OF PETITIONS

In re Application of	:	
Stephen W. Wegerich et al	:	
Application No. 09/784,158	:	DECISION ON PETITION
Filed: February 16, 2001	:	
Attorney Docket No. 7060/70479	:	

This is a decision on the petition, filed April 3, 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 is **GRANTED**.

This application was held abandoned for failure to reply to the non-final Office action mailed January 18, 2006, which set a three (3) month shortened statutory period for reply. A Notice of Abandonment was mailed on January 17, 2007.

Petitioner asserts that the Office action dated January 18, 2006 was not received because the action was mailed to an incorrect address. In this regard, petitioner states that a revocation and power of attorney was filed on May 31, 2005, which was never processed by the USPTO. In support of non-receipt of the January 18, 2006 Office action, petitioner has supplied a copy of his docket record where the non-received Office action would have been entered had it been received and docketed.

A review of the written record indicates that the Office received a revocation and power of attorney to the attorneys associated with Customer Number 22242 on May 31, 2005. Unfortunately, however, the Office did not process this document, resulting in the mailing of the January 18, 2006 Office action to an incorrect address. Accordingly, it would be appropriate here to withdraw the holding of abandonment based on the failure of the Office to properly mail the January 18, 2006 Office action to the address directed by the May 31, 2005 power of attorney.

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

An acceptance of the revocation and power of attorney filed on May 31, 2005 has been mailed under separate cover on November 6, 2007.

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 $1,020 extension of time fee submitted with the petition on April 3, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account in due course.

Additionally, in view of the treatment of this petition as one filed pursuant to the provisions of 37 CFR 1.181(a), the $1,500 petition fee submitted will likewise be credited to petitioner's deposit account.

This application is being referred to the Technology Center AU 2123 for appropriate action on the reply received April 3, 2007 to the non-final Office action of January 18, 2006.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

COPY MAILED

JUL 3 1 2008

In re Application of	:	
Tanaka et al.	:	
Application No. 09/784159	:	DECISION
Filing or 371(c) Date: 02/16/2001	:	ON PETITION
Patent No.: 7265780	:	
Issue Date: 09/04/2007	:	
Attorney Docket No.: FJ-2000-041 US	:	

This is a decision on the request for Certificate of Correction, filed January 25, 2008, requesting correction of the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction. The request is properly treated as a petition under 37 CFR 3.81(b)[1].

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 FUJIFILM CORPORATION and NOKIA MOBILE PHONES LIMITED, are the assignees 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

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 13

WENDEROTH, LIND & PONACK, LLP
2033 K STREET NW, SUITE 800
WASHINGTON, DC 20006-1021

COPY MAILED

NOV 2 1 2003

OFFICE OF PETITIONS

In re Application of :
Kimura et al. :
Application No. 09/784,171 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. 2001_0163A :

This decision concerns the October 31, 2003 petition to withdraw the holding of abandonment in the above-referenced application.

The petition is **GRANTED.**

This application was held abandoned as of May 29, 2003 for failure to timely submit a proper reply to the February 28, 2003 final Office Action, which set a 3-month shortened statutory reply period.

The petition asserts that a reply to the Office action was timely filed. In support, the petition is accompanied by a copy of Applicants' return postcard, date-stamped "July 28, 2003" by the USPTO, indicating receipt in the USPTO on that day of, *inter alia*, a Request for Continued Examination (RCE); a preliminary amendment as the RCE "submission" required by 37 CFR 1.114; and a $1,328 check for paying the $750 RCE filing fee, the $168 extra claims fee, and the $410 for a 2-month extension of time, totaling $1,328. The petition also encloses a copy of the RCE and the preliminary amendment submitted on July 28, 2003.

In view of the above, the petition is thus granted. The holding of abandonment in this application is hereby withdrawn, and the September 30, 2003 Notice of Abandonment vacated.

No petition fee is owed. The $130 petition fee and the duplicate fees charged to Deposit Account No. 23-0975 ($770 RCE filing fee; $172 extra claims fee; $420 extension-of-time fee), totaling $1,492, have been credited to the same account as authorized in the RCE Transmittal.

The application file is being returned to Technology Center 3700 for continued examination.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
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

COPY MAILED

FEB 07 2007

OFFICE OF PETITIONS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

In re Application of
John G. Apostolopoulos, et al.
Application No. 09/784,223
Filed: January 19, 2001
Patent No. 7,103,669
Issue Date: September 5, 2006
Atty Docket No. 10007798-1

DECISION GRANTING PETITION

This is a decision on the petitions filed January 8, 2007 requesting (1) that the above-identified application be accorded a filing date of January 19, 2001, instead of the presently accorded date of February 16, 2001, pursuant to 37 CFR 1.10; and (2) that the decision on the petition under 37 CFR 1.10 be expedited in accordance with the provision of 37 CFR 1.182.

The petition under 37 CFR 1.182 is GRANTED. A decision on the petition under 37 CFR 1.10 follows.

Petitioner alleges that the application was deposited in "Express Mail" Service with the U. S. Postal Service (USPS) on January 19, 2001. In support, petitioner provides, *inter alia*, a copy of the "Express Mail" mailing label receipt No. EJ764217993US. The same Express Mail receipt number was referred to in the original application transmittal letter found in the file. It is noted that, since the application has issued as a patent, a request for Certificate of Correction accompanies the petition.

Paragraph (c) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (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"; and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in" and of any other official notation by the USPS relied upon to show the date of deposit.

The petition is found to comply with the requirements of 37 CFR 1.10(c). Accordingly, the petition is GRANTED.

Since a review of the record confirms that the error in the filing date was a result of USPTO error, the front page of the above-identified patent will be corrected by way of a Certificate of Correction.

The application is being referred to:

(1) the Office of Initial Patent Examination (OIPE) for correction of the filing date to **January 19, 2001** and for issuing a corrected Filing Receipt; and
(2) the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquires related to this decision may be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

OCT 2 3 2006

OFFICE OF PETITIONS

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

In re Application of
John G. Apostolopoulos, et al.
Application No. 09/784,226
Filed: January 19, 2001
Patent No. 6,868,083
Issue Date: March 15, 2005
Atty Docket No. 10006736-1

DECISION GRANTING PETITION

This is a decision on the petition filed August 4, 2006, and supplement thereto filed October 19, 2006, requesting that the above-identified application be accorded a filing date of January 19, 2001, instead of the presently accorded date of February 16, 2001. The decision on the petition is being expedited in accordance with the petition under 1.182 filed October 18, 2006.

Petitioner alleges that the application was deposited in "Express Mail" Service with the U. S. Postal Service (USPS) on January 19, 2001. In support, petitioner provides, *inter alia*, a copy of the "Express Mail" mailing label receipt No. EJ764218000US. The same Express Mail receipt number was referred to in the original application transmittal letter found in the file. It is noted that, since the application has issued as a patent, a request for Certificate of Correction accompanied the supplemental petition on October 19, 2006.

Paragraph (c) of 37 CFR 1.10 states that:

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that there is a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by the "date-in" on the "Express Mail" mailing label or other official USPS notation, may petition the Director to accord the correspondence a filing date as of the "date-in" on the "Express Mail" mailing label or other official USPS notation provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS deposit date;
>
> (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"; and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in" and of any other official notation by the USPS relied upon to show the date of deposit.

The petition is found to comply with the requirements of 37 CFR 1.10(c). Accordingly, the petition is GRANTED.

Since a review of the record confirms that the error in the filing date was a result of USPTO error, the front page of the above-identified patent will be corrected by way of a Certificate of Correction.

The application is being referred to:

(1) the Office of Initial Patent Examination (OIPE) for correction of the filing date to **January 19, 2001** and for issuing a corrected Filing Receipt; and
(2) the Certificates of Correction Branch for issuance of the requested Certificate of Correction.

Telephone inquires related to this decision may be directed to the undersigned at (571) 272-3204. Telephone inquiries related to OIPE processing should be directed to their hotline at (571) 272-4000. Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MATTINGLY STANGER MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA, VA 22314

COPY MAILED

MAR 0 8 2007

OFFICE OF PETITIONS

In re Patent No. 7,110,545 :
Issue Date: September 19, 2006 :
Application No. 09/784,254 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. 520.39632X00 :

This is a decision on the petition filed October 4, 2006, which is being treated as a petition under 37 CFR 3.81(b)[1] to add assignee's name 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) 272-3210. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

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

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] See Official Gazette of June 22, 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
DIW Jun-07

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

COPY MAILED

JUN 21 2007

OFFICE OF PETITIONS

In re Application of	:	
Canali, Candelmo, Fuster,	:	
Banda, Walsh, Bergantino,	:	DECISION REFUSING STATUS
Schaffner, and Hasslinger	:	UNDER 37 CFR 1.47(a)
Application No. 09/784,330	:	
Filed: 16 February, 2001	:	
Atty Docket No. 025780-00001	:	

This is a decision on the petition under 37 CFR 1.47(a), filed on 1 October, 2001.

The Office apologizes for the delay in responding to the present petition and regrets any inconvenience to petitioners.

The petition is **DISMISSED**.

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

The above-identified application was filed on 16 February, 2001, without an executed oath or declaration. Accordingly, on 30 May, 2001, the Office of Initial Patent Examination (OIPE) mailed a Notice to File Missing Parts of Nonprovisional Application, requiring the statutory basic filing fee, additional claim fee(s), an executed oath or declaration and a surcharge for its late filing. A substitute specification and substitute drawings were also required. A two (2) month period for reply was set.

In response, on 1 October, 2001, a petition under 37 CFR 1.47(a), the required statutory basic filing fee, additional claim fees(s), and a substitute specification and substitute drawings were filed. The late-filing surcharge and authorization to charge all required fees to counsel's deposit account were also filed, along with a declaration naming Luigi J.F. Canali, Stephen P. Candelmo, Felipe J. Fuster, Frank D. Banda, Brendan B. Walsh, Gail M. Bergantino, Jorn M. Schaffner, and Michael R. Hasslinger as joint inventors was also filed. The declaration was signed by all inventors except joint inventors Fuster, Banda, and Schaffner.

It is noted that subsequently, on 16 October, 2001, a declaration signed by joint inventor Schaffner was filed. As such, the petition will be considered under 37 CFR 1.47(a) only with regards to joint inventors Fuster and Banda.

Petitioners assert, via the statement of registered patent attorney Dale S. Lazar, that a copy of the application was sent to the non-signing inventors. The copy sent to joint inventor Banda was returned as undeliverable and was re-sent to his business address. Neither inventor signed the declaration, and both non-signing inventors stated in e-mail messages to inventor Brendan B. Walsh that they would not sign the declaration.

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

(1) proof that the non-signing inventor cannot be reached or located, notwithstanding diligent effort, 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;

(4) a surcharge of $130 or $65 (small entity) if the petition and/or declaration is not filed at the time of filing the application, and

(5) a statement of the last known address of the non-signing inventor.

The petition lacks item (2).

In regards to item (2), the declaration is not acceptable because only one of the signing inventors signed on behalf of the non-signing inventors. The declaration is acceptable if all of the signing inventors signed in their respective signature blocks and the signature block of the non-signing inventors is left blank or all the signing inventors sign a statement saying that they are

signing on behalf of the non-signing inventors. The declaration is not acceptable if there are two or more signing inventors and only one of the signing inventors signed on behalf of the non-signing inventors.

The declaration is not acceptable because it was signed on behalf of the non-signing inventors only by joint inventor Walsh.

A new declaration signed by all of the signing inventors on behalf of themselves and the non-signing inventors should be filed with a renewed petition.

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

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

A two (2) month extension of time is required to make the petition filed on 1 October, 2001[1] timely filed. The petition fee and extension of time fee will be charged to counsel's deposit account, as authorized on the issue fee transmittal form filed on 29 January, 2007.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] Since 30 September, 2001 fell on a Sunday, the petition filed on 1 October, 2001, is timely filed with a two (2) month extension of time.

UNITED STATES 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 Aug-07

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

COPY MAILED

AUG 0 2 2007

OFFICE OF PETITIONS

In re Application of	:	
Canali, Candelmo, Fuster,	:	
Banda, Walsh, Bergantino,	:	DECISION ACCORDING STATUS
Schaffner, and Hasslinger	:	UNDER 37 CFR 1.47(a)
Application No. 09/784,330	:	
Filed: 16 February, 2001	:	
Atty Docket No. 025780-00001	:	

This is a decision on the renewed petition under 37 CFR 1.47(a), filed on 11 July, 2007.

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventors, Felipe J. Fuster and Frank D. Banda, have refused to the sign the declaration after having been sent a copy of the application.

Specifically, petitioners have shown, via the statement of registered patent attorney Dale S. Lazar filed with the original petition, that a copy of the application was sent to the non-signing inventors. The copy sent to joint inventor Banda was returned as undeliverable and was re-sent to his business address. Neither inventor signed the declaration, and both non-signing inventors stated in e-mail messages to inventor Brendan B. Walsh that they would not sign the declaration naming them as joint inventors along with Luigi J.F. Canali, Stephen P. Candelmo, Brendan B. Walsh, Gail M. Bergantino, Jorn M. Schaffner, and Michael R. Hasslinger.

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 inventors at the

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

The application is being referred to Technology Center Art Unit 3692 for further processing.

Telephone inquiries related to this decision 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
www.uspto.gov
DIW Aug-07

Felipe J. Fuster
13409 Cervantes Avenue
Harmony Woods Lane
Darnestown MD 20874

COPY MAILED

AUG 0 2 2007

OFFICE OF PETITIONS

In re Application of
Canali et al.
Application No. 09/784,330
Filed: 16 February, 2001
For: AUCTION BASED PROCUREMENT SYSTEM

Dear Mr. Fuster:

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 the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. 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 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

ARENT FOX PLLC
1050 CONNECTICUT AVENUE, NW
SUITE 400
WASHINGTON DC 20036

UNITED STATES 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 Aug-07

Frank D. Banda
2107 Carter Mill Way
Brookeville MD 20833

COPY MAILED

AUG 0 2 2007

OFFICE OF PETITIONS

In re Application of
Canali et al.
Application No. 09/784,330
Filed: 16 February, 2001
For: AUCTION BASED PROCUREMENT SYSTEM

Dear Mr. Banda:

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 the undersigned at 571/272-3231. Requests for information regarding your application should be directed to the File Information Unit at 571-272-3150. 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 571-272-3150 or 1-800-972-6382 (outside the Washington D.C. area).

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

ARENT FOX PLLC
1050 CONNECTICUT AVENUE, NW
SUITE 400
WASHINGTON DC 20036

UNITED STATES 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. 09

Jerry Cohen
BURNS & LEVINSON, LLP
(Formerly PERKINS SMITH & COHEN LLP)
125 Summer Street
Boston, MA 02110

MAILED

MAR 06 2007

Technology Center 2100

In re Application of:
Andruid KERNE
Application No. 09/784,369
Filed: February 14, 2001
For: WEIGHTED INTERACTIVE GRID PRESENTATION SYSTEM AND METHOD FOR STREAMING MULTIMEDIA COLLAGE

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

This is a decision on the petition filed 01 July 2005 under 37 CFR § 1.181(a) to withdraw the holding of abandonment of the above-identified application.

The petition is **GRATNED**.

This application was held abandoned for failure to file a response to the Office Action mailed on 21 May 2004. A Notice of Abandonment was mailed on 01 June 2005.

A review of the application file, it reveals that a Change of Address filed on 29 April 2003 belonged to another application has been processed and entered in the instant application. Thus, the Office Action mailed on 21 May 2004 was mailed to the wrong address and not received by the applicant.

For the above stated reasons, the petition is **GRANTED**. The Notice of Abandonment is hereby withdrawn. The Office Action of 21 May 2004 is hereby remailed and attached to this decision.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 7

Philip S. Johnson, Esq.
Johnson & Johnson
One Johnson & Johnson Plaza
New Brunswick NJ 08933-7003

COPY MAILED

APR 0 4 2002

OFFICE OF PETITIONS

In re Application of
Voellmicke, et al.
Application No. 09/784,383
Filed: February 15, 2001
Attorney Docket No. DEP0468

DECISION ON PETITION

This is a decision on the "Petition Under 37 CFR 1.183 for Suspension of Rules" filed October 11, 2001 (certificate of mailing October 5, 2001), requesting that applicants' preliminary amendment be accorded a filing date of September 14, 2001. This is properly treated as a request that the amendment be afforded the benefit of timely filing under §1.8.

The above-identified application has been accorded a filing date of February 15, 2001. On October 11, 2001, the instant preliminary amendment was received in the Office. The application has yet to be forwarded to an examiner for consideration.

Petitioner asserts that the preliminary amendment and postcard were mailed in an envelope addressed to Assistant Commissioner of Patents on September 14, 2001 with a Certificate of Mailing in compliance with 37 CFR 1.8(a) in order to obtain a filing date of September 14, 2001. However, the USPS misdelivered the envelope; the petitioner received it at the return address on the envelope on October 1, 2001. (The USPS returned the correspondence to petitioner rather than delivering it to addressee U.S. Patent and Trademark Office.) Petitioner requests that the paper be accorded a filing date of September 14, 2001. In support thereof, petitioner submitted *inter alia* a copy of the correspondence as originally mailed, bearing a certificate of mailing signed September 14, 2001; and a declaration of administrative assistant Karen Day, attesting to mailing the correspondence on September 14, 2001.

RELEVANT REGULATIONS AND RULES OF PRACTICE

§ 1.6 Receipt of correspondence.
(a) Date of receipt and Express Mail date of deposit. Correspondence received in the Patent and Trademark Office is stamped with the date of receipt except as follows:

(1) The Patent and Trademark Office is not open for the filing of correspondence on any day that is a Saturday, Sunday, or Federal holiday within the District of Columbia. Except for correspondence transmitted by facsimile under paragraph (a)(3) of this section, or filed electronically under paragraph (a)(4) of this section, no correspondence is received in the Office on Saturdays, Sundays, or Federal holidays within the District of Columbia.

(2) Correspondence filed in accordance with §1.10 will be

stamped with the date of deposit as "Express Mail" with the United States Postal Service.

(3) Correspondence transmitted by facsimile to the Patent and Trademark Office will be stamped with the date on which the complete transmission is received in the Patent and Trademark Office unless that date is a Saturday, Sunday, or Federal holiday within the District of Columbia, in which case the date stamped will be the next succeeding day which is not a Saturday, Sunday, or Federal holiday within the District of Columbia.

§ 1.8 Certificate of mailing or transmission.
(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

...; 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.

(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 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.

MPEP 512 clarifies that the use of the certification procedure set forth in §1.8, does not change the receipt date under §1.6:

... The Office will continue its normal practice of stamping the date of receipt ("Office Date" Stamp) on all papers received through the mail or by facsimile except those filed under 37 CFR 1.10 (See MPEP § 513). The date stamped will also be the date which is entered on Office records and from which any subsequent periods are calculated. For example, 37 CFR 1.192 gives an appellant 2 months from the date of the appeal to file an appeal brief. For example, if the last day to reply to a final rejection was November 10, 1997, and applicant deposited a Notice of Appeal with fee in the U.S. mail on November 10, 1997, and so certified, that appeal is timely even if it was not received in the U.S.

Patent and Trademark Office until November 16, 1997. Since the date of receipt will be used to calculate the time at which the brief is due, the brief will be due on January 16, 1998. This is 2 months after the Mail Center date.

§ 1.115 Preliminary amendments.

(a) A preliminary amendment is an amendment that is received in the Office (§1.6) on or before the mail date of the first Office action under §1.104.

(b)(1) A preliminary amendment will be entered unless disapproved by the Commissioner. A preliminary amendment may be disapproved if the preliminary amendment unduly interferes with the preparation of a first Office action in an application. Factors that will be considered in disapproving a preliminary amendment include:

(i) The state of preparation of a first Office action as of the date of receipt (§1.6) of the preliminary amendment by the Office; and
(ii) The nature of any changes to the specification or claims that would result from entry of the preliminary amendment.

(2) A preliminary amendment will not be disapproved if it is filed no later than:
(i) Three months from the filing date of an application under § 1.53(b);
(ii) The filing date of a continued prosecution application under § 1.53(d);
or
(iii) Three months from the date the national stage is entered as set forth in §1.491 in an international application.

(c) The time periods specified in paragraph (b)(2) of this section are not extendable.

§1.183 Suspension of rules.

In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Commissioner or the Commissioner's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in §1.17(h).

ANALYSIS

Justice does not require waiver of the rules. Petitioner has shown that the amendment was originally mailed pursuant to §1.8 with a certificate of mailing date of September 14, 2001. This certificate of mailing date is of record in the application, and will be considered in evaluating the preliminary amendment. However, this date does not appear to be of any consequence to that evaluation. The instant preliminary amendment was not filed as a response to an Office action, and thus, consideration of the September 14, 2001 date is not necessary to find the amendment timely filed. The amendment was filed well past the three month period under §1.115(b)(2) for automatically not being disapproved. The application has yet to be forwarded to the examiner for preparation of a first Office action.

Thus, petitioner has shown no prejudice to this application in following the normal procedure under §1.6 of date stamping the paper, and entering on the jacket of the application, the

preliminary amendment as received October 11, 2001. In the event that applicant suffers such prejudice, then a petition should be filed. If that time comes, petitioner may wish to consider including a copy of this decision with that petition.

CONCLUSION

The petition is **DISMISSED AS MOOT**.

The response to the "Notice to File Missing Parts of Nonprovisional Application" filed October 15, 2001, is acknowledged.

The application file is being forwarded to the examiner for examination in due course, including consideration of the preliminary amendment filed October 11, 2001 (certificate of mailing September 14, 2001).

Telephone inquiries regarding this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : ~~2633~~ 1/4/06

Paper No.: _____

TO SPE OF : ART UNIT 2633

SUBJECT : Request for Certificate of Correction on Patent No.: 6909852 B2

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.**

DRAW INGS

Thank You For Your Assistance

D. Irvine
Certificates of Correction Branch
Tel. No. 703-308-9590

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:

DAVID C. PAYNE
SUPERVISORY PATENT EXAMINER

David C. Payne — SPE

2611 — Art Unit

UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

SEP 24 2003

#10

MICHAEL BEST & FRIEDRICH LLP
ONE SOUTH PINCKNEY STREET
PO BOX 1806
MADISON, WI 53701

In re application of
James W. Schumm et al.
Serial No. : 09/784,423
Filed : February 15, 2001
Attorney Docket No.: 16026-9180-05

: DECISION ON PETITION

This is in response to applicants' petition, filed June 3, 2003 under 37 C.F.R. 1.144, requesting withdrawal of the restriction requirement set forth by the examiner.

BACKGROUND

Review of the file history shows that the instant application was filed February 15, 2001 under 37 CFR 1.53(b), as a divisional application of 09/018,584, filed February 4, 1998. The application as filed contained claims 1-21. A preliminary amendment cancelled claims 1-21 and added claims 22-34. On October 1, 2002 the examiner mailed a restriction requirement dividing the claims into 2 groups. The examiner further required election of a single nucleic acid sequence for examination. In a response filed November 6, 2002, applicants elected Group I, claims 22-32 (claims 31 and 32 had mistakenly been included in Group II, as acknowledged by the examiner), and further elected the marker sequence SEQ ID NO: 32 and the corresponding primer pair SEQ ID NO: 124 and SEQ ID NO: 125. Applicants traversed the restriction on the grounds that 10 sequences should be examined, citing MPEP 803.04. On January 17, 2003 the examiner mailed a first Office action on the merits. The examiner maintained the restriction requirement, explaining that it is no longer practical for the USPTO to search 10 sequences per application, due to the rapid increase in the size of the nucleotide sequence databases.

DISCUSSION

In the petition applicants argue that the "unofficial policy" of the examiner and the art unit is unfair. This argument is not persuasive. First, it is noted that MPEP 803.04 *permits* the examination of more than one independent and distinct invention – it does not *require* the examination of ten nucleotide sequences. Restriction is discretionary (MPEP 803.01).

Second, the claims in the instant application are not in the same form as the examples provided in MPEP 803.04. Moreover, the examiner is not required to search 10 sequences in any event – MPEP 803.04 states that *up to ten* nucleotide sequences will be searched. Finally, the examiner is required to demonstrate that it would be a serious burden to search all of the claimed inventions (MPEP 803). While not articulating the issue in these terms, the examiner has explained why it would be a burden to search and examine ten nucleotide sequences, and there is no evidence of record to suggest that the various nucleotide sequences are not independent and distinct. Therefore the restriction requirement is deemed proper.

DECISION

Applicants' petition is **DENIED** for the reasons discussed above.

The application will be forwarded to the examiner for consideration of the amendment filed June 3, 2003.

Any request for reconsideration or review of this decision must be made by a renewed petition and must be filed within TWO MONTHS of the mailing date of this decision in order to be considered timely.

Should there be any questions with regard to this letter please contact Bruce Campell by letter addressed to the Director, Technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-4205 or by facsimile transmission at (703) 746-5006.

John Doll
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 5

John E. Toupal
116 Concord Street
Framingham, MA 01702

COPY MAILED

FEB 2 0 2003

OFFICE OF PETITIONS

In re Application of
James A. Tarara
Application No. 09/784,426
Filed: February 16, 2001
Attorney Docket No. D.1482

ON PETITION

This is a decision on the petition filed January 27, 2003, to revive the above-identified application on the grounds of unintentional delay.

The petition is Dismissed.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed March 19, 2001, which set a period for reply of two (2) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on May 20, 2001.

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

A grantable petition under 37 CFR 1.137(b)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1) and (3).

---

[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

As to item (1), The Notice to File Corrected Application Papers (Notice) mailed March 19, 2001 required substitute drawings in compliance with 37 CFR 1.84. Accordingly, substitute drawings in compliance with 37 CFR 1.84 must be submitted. For petitioner's convenience a copy of the Notice mailed March 19, 2003 will be mailed with this decision.

Applicant believes that no fee is due for this petition because the Notice to File Corrected Application papers was not received. However, a review of the contents of the application file reveals no irregularity in the mailing of the Notice mailed March 19, 2001. Therefore, a petition fee of $650 will be charged to petitioner's deposit account.

In order to expedite a decision on the petition, petitioner may wish to consider submitting the response to the mailing address 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, DC 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

---

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.

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

John E. Toupal
116 Concord Street
Framingham, MA 01702

COPY MAILED

APR 0 4 2003

OFFICE OF PETITIONS

In re Application of :
James A. Tarara :
Application No. 09/784,426 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. D.1482 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed March 31, 2003, to revive the above-identified application.

The petition is **GRANTED**.

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

The application file is being forwarded to the Office of Initial Patent Examination 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

In re Patent No. 6411066
Issue Date: June 25,2002
Application No. 09784440
Filed: April 19,2001
Attorney Docket No. 203369US2PCT

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

This is a decision on the electronic petition, filed January 22,2007 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of January 22,2007 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

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

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)
6411066	2002-06-25	09784440	2001-04-19	203369USMF

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	/C. Irvin McClelland/	Date (YYYY-MM-DD)	2007-01-22
Name	C. Irvin McClelland	Registration Number	21124

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

Lucash, Gesmer & Updegrove, LLP
40 Broad Street
Suite 300
Boston, MA 02109

MAIL

MAR - 3 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
David HALPERT, et al.
Application No.: 09/784,495
Filed: February 15, 2001
For: AUTOMATIC TRANSFER AND EXPANSION OF APPLICATION-SPECIFIC DATA FOR DISPLAY AT A WEBSITE

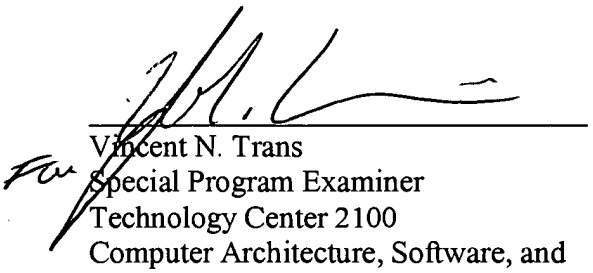
DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed January 13, 2005.

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: Alice Goff
Centric Software
50 Las Colinas Lane
San Jose, CA 95119

UNITED STATES 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. 3

MAILED

FEB 0 4 2004

Technology Center 2100

GLENN PATENT GROUP
3475 Edison Way, Suite L
Menlo Park, CA 94025

In re Application of
David PLATT
Application No. 09/784,512
Filed: February 14, 2001
For: METHOD FOR GENERATION, DELIVERY, AND VALIDATION OF ELECTRONIC COUPONS THROUGH PERSONAL TV SERVICE SYSTEM

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed January 13, 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 communication from the Office will be directed to the below-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the U.S. Patent and Trademark Office (the Office) of any change in correspondence address to ensure receipt of all communications from the Office.

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

cc: HICKMAN PALERMO TROUNG & BECKER LLP
1600 Willow Street
San Jose, CA 95125-5106

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KLAUBER & JACKSON
411 HACKENSACK AVENUE
HACKENSACK, NJ 07601

COPY MAILED

NOV 13 2007

OFFICE OF PETITIONS

In re Application of :
Ming-Ming Zhou et al :
Application No. 09/784,553 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. 2459-1-003 CIP :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 30, 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 June 7, 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). One-month extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is October 8, 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 $395 and the submission required by 37 CFR 1.114; (2) the petition fee of $750; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This application is being referred to Technology Center AU 1648 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.

Irvin Dingle
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov
DIW Oct-06

NEEDLE & ROSENBERG, P.C.
SUITE 1000
999 PEACHTREE STREET
ATLANTA GA 30309-3915

COPY MAILED
OCT 25 2006
OFFICE OF PETITIONS

In re Application of :
Cantrell et al. :
Application No. 09/784,575 : DECISION ON PETITION
Filed: 15 February, 2001 :
Atty Docket No. 23101.0003U1 :

This is a decision on the petition filed on 11 July, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 18 January, 2006, for failure to timely submit an Appeal Brief in response to the Notice of Appeal filed on 17 November, 2005. Petitioner filed an amendment after final rejection concurrently with the Notice of Appeal, but the amendment did not place the application in condition for

---

[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 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 continuing 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)).

allowance. An Advisory Action Before the Filing of an Appeal Brief was mailed on 22 December, 2005. Notice of Abandonment was mailed on 28 June, 2006.

Petitioners have filed a Request for Continued Examination and an amendment to the claims as the required submission under 37 CFR 1.114.

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 five-month extension request filed on 11 July, 2006, was submitted more than five (5) months after the end of the period for reply to the Notice of Appeal mailed on 17 November, 2005, and therefore is unnecessary. The extension of time fee paid on 17 November, 2005, will be credited to counsel's deposit account as authorized.

The application is being referred to the Technology Center 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).

#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. 9

CARR & FERRELL LLP
2225 EAST BAYSHORE ROAD
SUITE 200
PALO ALTO, CA 94303

COPY MAILED

DEC 16 2002

OFFICE OF PETITIONS

In re Application of	:	
Roni Even	:	
Application No. 09/784,586	:	DECISION GRANTING PETITION
Filed: February 15, 2001	:	UNDER 37 CFR 1.137(f)
Attorney Docket No. 6544.107873 (ACC04)	:	

This is a decision on the petition, filed November 27, 2002, to revive the instant nonprovisional application under the unintentional provisions of 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in a foreign country on February 26, 2001. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 CFR 1.137(f) must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(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 instant petition has been found to be in compliance with 37 CFR 1.137(f).

Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Corrected Filing Receipt which sets forth the projected publication date of March 27, 2003 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (703) 305-8680.

This application is being forwarded to Technology Center Art Unit 2663 for examination in due course.

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

ATTACHMENT: 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

PALMER & DODGE, LLP
KATHLEEN M. WILLIAMS
111 HUNTINGTON AVENUE
BOSTON MA 02199

In re Application of
Amtmann et al.
Application No. :09/784,618
Filed: February 15, 2001
Attorney Docket Number: 8654/2002
Title: MEDICAMENT CONTAINING PLATINUM COMPLEX COMPOUNDS AND THE USE THEREOF

: NOTICE

COPY MAILED

MAR 0 8 2005

OFFICE OF PETITIONS

This is a notice regarding your request filed on February 1, 2005, for acceptance of a fee deficiency submission under 37 CFR 1.28 (c).

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." Accordingly, the fee deficiency submission under 37 CFR 1.28 is hereby accepted.

The change in status to a large entity has been entered and made of record.

This application is being forwarded to the Office of Patent Publication for issuance into a patent.

Inquiries regarding this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11-3-05

TO SPE OF : ART UNIT 1614

SUBJECT : Request for Certificate of Correction on Patent No.: 6881251

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.

Should drawings be accepted? EVA JAMES

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:

CHRISTOPHER S. F. LOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Christopher S. F. Low

SPE

1614

Art Unit

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11-3-05

TO SPE OF : ART UNIT 1614

SUBJECT : Request for Certificate of Correction on Patent No.: 6881251

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.

Should drawings be accepted? EVA JAMES

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:

CHRISTOPHER S. F. LOW
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE 1614 **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11-18-05

TO SPE OF : ART UNIT 1614

SUBJECT : Request for Certificate of Correction on Patent No.: 6881757

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

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please reply A/S/A/P (drawings) Thanks

EVA JAMES

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:

All approval on paper dated 11/3/05

_____ **SPE**

_____ **Art Unit**

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 11-3-05

TO SPE OF : ART UNIT 1614

SUBJECT : Request for Certificate of Correction on Patent No.: 6881251

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.

Should drawings be accepted? EVA JAMES

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:

See approval on paper dated 11/3/05

_____ _____
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

Thompson Coburn
One Firstar Plaza
St. Louis, MO 63101

COPY MAILED

SEP 10 2001

OFFICE OF PETITIONS

In re Application of :
Jose A. Fernandez-Pol :
Application No. 09/784,631 : DECISION GRANTING STATUS
Filed: February 15, 2001 : UNDER 37 CFR 1.47(b)
For: Pharmacological Agent and Method of Treatment :

This is in response to the petition under 37 CFR 1.47(b), filed June 22, 2001 and supplemented on September 6, 2001.

The petition under 37 CFR 1.47(b) is **granted**.

Petitioner has shown that inventor Jose A. Fernandez-Pol 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(b). This application is hereby accorded Rule 1.47(b) 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.

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

Telephone inquiries regarding 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

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

Mr. Jose A. Fernandez-Pol
437 Hunters Hill Drive
Chesterfield, MO 63017

COPY MAILED

SEP 1 0 2001

OFFICE OF PETITIONS

In re Application of
J. A. Fernandez-Pol
Application No. 09/784,631
Filed: February 15, 2001
For: Pharmacological Agent and Method of Treatment

Dear Mr. Fernandez-Pol:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 118 (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 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 patent 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 Latrice Bond at (703) 308-6911. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-6911. 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).

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

cc: Thompson Coburn
One Firstar Plaza
St. Louis, MO 63101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OIPE JC154
FEB 2 3 2005
PATENT & TRADEMARK OFFICE

RECEIVED
SEP 17 2001
Thompson Coburn LLP

Paper No. 6

COPY MAILED
SEP 10 2001
OFFICE OF PETITIONS

Thompson Coburn
One Firstar Plaza
St. Louis, MO 63101

In re Application of
Jose A. Fernandez-Pol
Application No. 09/784,631
Filed: February 15, 2001
For: Pharmacological Agent and Method of Treatment

: DECISION GRANTING STATUS
: UNDER 37 CFR 1.47(b)

This is in response to the petition under 37 CFR 1.47(b), filed June 22, 2001 and supplemented on September 6, 2001.

The petition under 37 CFR 1.47(b) is **granted**.

Petitioner has shown that inventor Jose A. Fernandez-Pol 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(b). This application is hereby accorded Rule 1.47(b) 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.

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

Telephone inquiries regarding 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

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

Mr. Jose A. Fernandez-Pol
437 Hunters Hill Drive
Chesterfield, MO 63017

COPY MAILED

SEP 1 0 2001

OFFICE OF PETITIONS

In re Application of
J. A. Fernandez-Pol
Application No. 09/784,631
Filed: February 15, 2001
For: Pharmacological Agent and Method of Treatment

Dear Mr. Fernandez-Pol:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 118 (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 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 patent 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 Latrice Bond at (703) 308-6911. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-6911. 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).

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

cc: Thompson Coburn
One Firstar Plaza
St. Louis, MO 63101

OIPE JC154
FEB 2 3 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fernandez-Pol

Application No. 09/784,631

Filing date: 02/15/2001

For: PHARMACOLOGICAL AGENT AND METHOD OF TREATMENT

Assistant Commissioner for Patents
Washington, D.C. 20231

PETITION UNDER 37 C.F.R. §1.47 (b)

Dear Sir:

Under 37 C.F.R. §1.47(b), whenever all of the inventors refuse to execute an application for patent, a person to whom an inventor has assigned or agreed in writing to assign the invention or who otherwise shows sufficient proprietary interest in the matter justifying such action may make application for patent on behalf of and as agent for all of the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(i), and the last known address of all of the inventors. 37 C.F.R. §1.47(b).

In accordance with 37 C.F.R. §1.47(b), Novactyl, Inc. ("Assignee"), assignee of the above-referenced patent application, through its Vice President and Chief Scientific Officer, Michael G. Douglas, respectfully requests authority to act on behalf of and as agent for all of the inventors. The inventor, Jose A. Fernandez-Pol assigned the invention claimed in the above-referenced patent application to Assignee in an assignment dated February 1, 2000, which is attached hereto. This assignment document was recorded in the U.S. Patent and Trademark Office on February 15, 2001 as reel/frame number 011602/0755.

Such action is necessary to preserve the rights of Assignee and to prevent irreparable damage to assignee. Under 37 C.F.R. §1.51(b) an oath or declaration must be filed with a specification prescribed by 35 U.S.C. §112, including a claim and drawings when necessary to complete a patent application. If an oath or declaration is not filed, the patent application will go abandoned resulting in irreparable damage and a loss of Assignee's rights under patent.

The inventor, Dr. Fernandez-Pol, was terminated from employment with Novactyl, Inc. in November of 2000. More recently, at Novactyl Inc.'s annual stockholder's meeting, which took place on June 2, 2001, Dr. Fernandez-Pol resigned from the Board of Directors. Since Dr. Fernandez-Pol's termination, he has been antagonistic to Assignee and its interests. As such, Dr. Fernandez-Pol has refused to participate in the prosecution of the above-referenced patent application. More specifically, Dr. Fernandez-Pol has refused to sign a declaration, which states that he is the inventor of the claimed invention.

On May 25, 2001, at the request of Dr. Fernandez-Pol, Assignee and Dr. Fernandez-Pol, along with their relative attorneys, met to discuss, among other topics, the status of the above-referenced patent application. At that time, the undersigned attorney for Assignee presented a declaration to Dr. Fernandez-Pol, which stated that he believed himself to be the inventor of the claimed invention and requested Dr. Fernandez-Pol's signature. It was explained to Dr. Fernandez-Pol at that time that no amendments had been made to the application since he assigned his rights to the invention to Assignee. In addition, a copy of the complete specification, including the claims, was provided to Dr. Fernandez-Pol. To date, Dr. Fernandez-Pol has refused to sign the declaration. The undersigned attorney for Assignee has made repeated unsuccessful attempts to obtain Dr. Fernandez-Pol's signature, which have included telephone calls to Gordon Sieckmann, attorney for Dr. Fernandez-Pol. On June 13, 2001 Mr. Sieckmann orally informed the undersigned attorney that Dr. Fernandez-Pol would not sign the declaration. On August 6, 2001 the undersigned attorney received a letter from

Mr. Sieckmann stating that Dr. Fernandez-Pol will not sign the requested supplemental oath. Again, if no declaration or oath is submitted, the application will go abandoned, which will result in a loss of Assignee's rights to the claimed invention and irreparable harm to Assignee. Most importantly, Assignee would lose the exclusive rights under patent to prevent others from making, using or selling its claimed invention for a limited time.

If Assignee is not authorized to sign on behalf of Dr. Fernandez-Pol, Assignee will suffer irreparable harm. Specifically, the time and revenue Assignee invested toward the research and development of the claimed invention would be lost. Assignee would also lose future income derived from the sale, use or manufacture of the invention. In addition, Assignee would lose potential revenue derived from licensing of Novactyl's rights in the invention.

In compliance with 37 C.F.R. §1.47(b), the last known address of the sole inventor, Jose A. Fernandez-Pol, is 437 Hunters Hill Drive, Chesterfield, MO 63017, USA.

The undersigned attorney may be reached at the address indicated below, by phone at (314) 552-6123, or by fax at (314) 552-7123.

Respectfully submitted,

Thompson Coburn LLP

By Ahaji K. Amos

AHAJI KIRK AMOS
Registration No.: 46,831
One Firstar Plaza
St. Louis, MO 63101
(314) 552-6123
(314) 552-7123 FAX

Enclosures: Letter from Gordon Sieckmann re: Dr. Fernandez-Pol's refusal to sign

#4

OIPE JC185
JUL 2 4 2001
PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/784,645	02/15/2001	Stephen A. Empedocles	019916-00121US

CONFIRMATION NO. 5563

FORMALITIES LETTER

OC000000006002448

20350
TOWNSEND AND TOWNSEND AND CREW
TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

Date Mailed: 04/24/2001

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 $ **710** *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 $494.
  - **$414** for **23** total claims over 20.
  - **$80** for **1** independent claims over 3 .
- 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 $130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is $ 1334.**

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

07-25-01 Sectors

OIPE JUL 24 2001 PATENT & TRADEMARK OFFICE

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

PTO/SB/21 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

EL903200147US

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Application Number	09/784,645
Filing Date	February 15, 2001
First Named Inventor	Empedocles, Stephen A.
Group Art Unit	1645
Examiner Name	
Total Number of Pages in This Submission: 1	Attorney Docket Number: 019916001210

ENCLOSURES *(check all that apply)*

- [X] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment / Response
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [X] Extension of Time Request
- [ ] Express Abandonment Request
- [X] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Response to Missing Parts/ Incomplete Application
  - [X] Response to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Assignment Papers *(for an Application)*
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition Routing Slip (PTO/SB/69) and Accompanying Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [ ] Request for Refund
- [ ] CD, Number of CD(s)
- [ ] After Allowance Communication to Group
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to Group *(Appeal Notice, Brief, Reply Brief)*
- [ ] Proprietary Information
- [ ] Status Letter
- [X] Other Enclosure(s) *(please identify below)*:

Return Postcard; Declaration; Power of Attorney; Statement Under 37 CFR 3.73(b); Verified Statement Claiming Small Entity; Request for Corrected filing Receipt; copy of NOtice to File Missing Parts; Form PTO-1449 and copies of 6 cited references

Remarks: The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm and Individual name	Townsend and Townsend and Crew LLP Scott L. Ausenhus Reg No. 42,271
Signature	Scott Ausenhus
Date	July 24, 2001

CERTIFICATE OF MAILING

Express Mail Label: EL 903200147 US

I hereby certify that this correspondence is being deposited with the United States Postal Service with "Express Mail Post Office to Address" service under 37 CFR 1.10 on this date July 24, 2001 and is addressed to:

Assistant Commissioner for Patents, Washington, D.C. 20231

Typed or printed name	Maisie C. Livengood		
Signature	Maisie C. Livengood	Date	July 24, 2001

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

DE 7046135 v1

PTO/SB/17 (09-00)
Approved for use through 10/31/2002. OMB 0651-0032
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.

FEE TRANSMITTAL for FY 2001

JUL 24 2001 JC703
PATENT & TRADEMARK OFFICE

Patent fees are subject to annual revision.

TOTAL AMOUNT OF PAYMENT ($) 722

Complete if Known	
Application Number	09/784,645
Filing Date	February 15, 2001
First Named Inventor	Empedocles, Stephen A.
Examiner Name	
Group Art Unit	1645
Attorney Docket No.	019916-001210US

METHOD OF PAYMENT

1. ☒ The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:

Deposit Account Number: 20-1430

Deposit Account Name: Townsend and Townsend and Crew LLP

☒ Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17

☒ Applicant claims small entity status. See 37 CFR 1.27

2. ☐ **Payment Enclosed:**

☐ Check ☐ Credit card ☐ Money Order ☐ Other

FEE CALCULATION

1. BASIC FILING FEE

Large Fee Code	Large Entity Fee ($)	Small Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	355
106	320	206	160	Design filing fee	
107	490	207	245	Plant filing fee	
108	710	208	355	Reissue filing fee	
114	150	214	75	Provisional filing fee	

SUBTOTAL (1) ($)355

2. EXTRA CLAIM FEES

			Extra Claims		Fee from below	=	Fee Paid
Total Claims	43	-20** =	23	X	$9	=	$207
Independent Claims	4	-3** =	1	X	$40	=	$40
Multiple Dependent				X		=	

Large Fee Code	Large Entity Fee ($)	Small Fee Code	Small Entity Fee ($)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claim, if not paid
109	80	209	40	** Reissue independent claims over original patent
110	18	210	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) ($)247

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Fee Code	Large Entity Fee ($)	Small Fee Code	Small Entity Fee ($)	Fee Description	Fee Paid
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	For filing a request for reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	55
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive – unavoidable	
141	1,240	241	620	Petition to revive – unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per property (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	
Other fee (specify)					

The Commissioner is authorized to charge any additional fees to the above noted Deposit Account.

*Reduced by Basic Filing Fee Paid **SUBTOTAL (3)** ($)120

SUBMITTED BY

Complete *(if applicable)*

Name (Print/Type)	Scott L. Adsenhus	Registration No. (Attorney/Agent)	42,271	Telephone	303-571-4000
Signature	Scott L. Adsenhus			Date	July 24, 2001

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.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231. DE 7046136 v1

UNITED STATES 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

BUHLER ASSOCIATES
KIRK A. BUHLER
2687 SCENIC CREST LANE
CORONA, CA 92881

COPY MAILED

AUG 0 4 2004

OFFICE OF PETITIONS

In re Application of :
Thomas A. Gonzalez :
Application No. 09/784,654 : ON PETITION
Filed: February 15, 2001 :
Attorney Docket No. 01-0214 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 2, 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, 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 12, 2002.

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 Irvin Dingle at (703) 306-5684.

The application is being forwarded to Technology Center AU 2632 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:

Kirk A. Buhler
1101 California Avenue, Suite 100
Corona, CA 92881

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

CHARLES E. BAXLEY, ESQUIRE
HART BAXLEY DANIELS & HOLTON
59 JOHN STREET, FIFTH FLOOR
NEW YORK, NY 10038

COPY MAILED

SEP 0 3 2002

OFFICE OF PETITIONS

In re Application of :
Kenneth J. Thorpe :
Application No. 09/784,683 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. 11896 B :

This is a decision on the petition under 37 CFR 1.137(b), filed August 14, 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 April 3, 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 June 4, 2001.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to the Office of Initial Patent Examination.

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. 6

MAIL

DEC 1 0 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Glenn M. Kubota
MORRISON & FOERSTER LLP
555 West Fifth Street
Suite 3500
Los Angeles, CA 90013-1024

In re Application of
Manuel Enrique BENITEZ, et al
Application No. 09/784,699
Filed: February 14, 2001
For: INTELLIGENT NETWORK STREAMING AND EXECUTION SYSTEM FOR CONVENTIONALLY CODED APPLICATIONS

: DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed November 24, 2003.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1. 136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED**.

All future communication from the Office will be directed to the below-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the U.S. Patent and Trademark Office (the Office) of any change in correspondence address to ensure receipt of all communications from the Office.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

COPY MAILED

SEP 20 2007

OFFICE OF PETITIONS

In re Application of :
Dah-Lain Almon TANG, et al :
Application No. 09/784,722 : ON PETITION
Filed: February 14, 2001 :
Attorney Docket No. CE08292R :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 6, 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 February 6, 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)(II)(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 May 7, 2006.

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, Request for Continued Examination (RCE) and fee of $790, and the submission required by 37 CFR 1.114; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 2141 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.

April Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 060104

SHELDON & MACK PC
225 SOUTH LAKE AVENUE, 9TH FLOOR
PASADENA, CA
91101-3005

JUN 16 2004

In re Application of:
Tsui-Tuan Fan Wong
Serial No.: 09/784,778
Filed: February 15, 2001
Attorney Docket No.: **CFP-11803**

DECISION ON SECOND PETITION FOR SUSPENSION

This is a decision on the Second Petition for Suspension of Prosecution filed April 15, 2004. The second petition to suspend action pursuant to 37 C.F.R. 1.103(a) for six month for good and sufficient cause has been considered.

The petition is DENIED.

Pursuant to 37 C.F.R. 1.103(a), the Office may grant suspension of action by the Office for good and sufficient cause. Petitioner states that the purpose for suspension is that applicant wishes to provoke an interference with U.S.Patent No. 6,379,190 currently under re-examination. Petitioner wishes to await the conclusion of the reexamination proceedings and provoke an interference on any applicable allowed claims. Petitioner has cancelled all copied claims with the patent in amendment filed October 6, 2003. The application is not currently in condition for allowance and contains no claims which interfere with the patent under reexamination.

It is Office policy to continue prosecution of the application as far as possible. If the application is placed in condition for allowance and contains claims which interfere with the patent under reexamination, then further action on the application may be suspended. See MPEP 2284 and 2307.04.

Telephone inquiries should be directed to either Supervisory Patent Examiner, Lynn Feild (571) 272-2092 or to Special Programs Examiner, Clayton LaBalle (571) 272-1594.

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/16/06

TO SPE OF : ART UNIT 1761

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/744798 Patent No.: 6511693

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. _____

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: ① Correct Named inventors

② DO NOT MAKE CHANGES TO THE ABSTRACT

Glenn Calderola
Supervisory Patent Examiner
Art Unit 1764

SPE

1764
Art Unit

Docket No. 6678.02

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,511,693
DATE : January 28, 2003
INVENTORS : Robert C. Jones, Donald J. Trombley

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

Enter NB 5/24/06

	Reads	Should Read
Inventor:	"Robert C. Jones, Elk River, MN (US)"	- -Robert C. Jones, Elk River, MN (US) Donald J. Trombley, Elk River, MN (US) - -
In the Abstract:		
Line 1:	"A frozen slushy drink product in a flexible pouch and a"	- - The present invention provides a frozen slushy drink product in a flexible pouch and a - -
Line 2:	"method for producing and packaging the same is provided"	- - method for producing and packaging the same - -
Line 3:	"A calcium component, a stablizer component, and a dis-"	- - In one embodiment of the invention, a calcium component, a stablizer component, and a dis- - -

DO NOT ENTER Changes to Abstract NB 3/21/06

Customer Number 25763
MAILING ADDRESS OF SENDER:

DORSEY & WHITNEY LLP
Intellectual Property Department
Suite 1500
50 South Sixth Street
Minneapolis, MN 55402-1498

PATENT NO.: 6,511,693

RECEIVED
FEB 22 2006
OFFICE OF PETITIONS

MAR

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
www.uspto.go

MAILED

MAR 0 4 2003

Technology Center 2100

Paper No. 5

John V. Bianco
TESTA, HURWITZ & tHIBEAULT, LLP
High Street Tower
125 High Street
Boston, Massachusetts 02110

In re Application of:	)	
Orbanes et al.	)	
Application No. 09/784,808	)	
Filed: February 14, 2001	)	**DECISION ON REQUEST FOR**
For: A METHOD AND SYSTEM FOR RECEIVING USER INPUT	)	**WITHDRAWAL AS ATTORNEY**
	)	
	)	

This is a decision on the Request To Withdraw from Representation filed February 19, 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 signed by John V. Bianco alone and does not contain a clear indication that Mr. Bianco 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 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.

James R. Matthews

JM

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

MAR 1 4 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Paper No. 6

Testa, Hurwitz & Thibeault, LLP
High Street Tower
125 High Street
Boston, MA 02110

In re Application of:
Julian Orbanes, et al.
Application No. 09/784,809
Filed: February 14, 2001
For: A SYSTEM AND METHOD FOR GRAPHICALLY PROGRAMMING OPERATORS

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed February 19, 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 signed by John V. Bianco alone and does not contain a clear indication that Mr. Bianco is authorized to sign on behalf of the other attorneys of record and is signing on behalf of the other attorneys of record.Accordingly, 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.

Vincent N. Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture and Software
(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

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

COPY MAILED

JAN 23 2008

OFFICE OF PETITIONS

In re Application of :
Scott Gillespie :
Application No. 09/784,836 : DECISION GRANTING PETITION
Filed: February 16, 2001 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 8519-000001 :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed January 17, 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 October 19, 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 regarding this decision should be directed to April Wise at (571) 272-1642.

This application is being referred to Technology Center AU 3629 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

Sherry 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 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

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

SAWYER LAW GROUP
P.O. BOX 51418
PALO ALTO CA 94303

COPY MAILED

OCT 2 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Ching et al.	:	
Application No. 09/784,865	:	DECISION ON PETITION
Filed: February 15, 2001	:	
Attorney Docket No. 1914P/STL920000089US1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 14, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned as a result of petitioner's failure to take appropriate action in a timely manner after the decision of June 17, 2008 by the Board of Patent Appeals and Interferences. Therefore, 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 18, 2008. *See* MPEP 1214.06. A Notice of Abandonment was mailed August 28, 2008.

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 $810.00, and the submission required by 37 CFR 1.114; (2) the petition fee of $1,620.00; and (3) a proper statement of unintentional delay.

The address given on the petition differs from the address of record. 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 Joan Olszewski at (571) 272-7751.

The file is now being forwarded to Technology Center 2162 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Joseph A. Sawyer, Jr.
2465 E Bayshore Road, Suite 406
Palo Alto, CA 94303

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 2023
www.uspto.go

Paper No.

BEVERLY J. ARTALE
W.R. GRACE & CO.-CONN.
7500 GRACE DRIVE
COLUMBIA, MD 21044-4098

COPY MAILED

APR 2 8 2003

OFFICE OF PETITIONS

In re Application of :
Steven Lloyd White et al :
Application No. 09/784,898 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. W9494-01 :

This is a decision on the petition, filed April 25, 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 March 11, 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 1764 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 PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 2023
www.uspto.go

Paper No. _____

Date : April 25, 2003

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of Application No. 09/784,898

Applicant(s) : Steven Lloyd White et al
Application No. : 09/784,898
Filed : February 16, 2001

The above-identified application has been assigned Patent No. 6,554,993 and an issue date of April 29, 2003.

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 April 29, 2003:

> "All reference to Patent No. 6,554,993 to Steven Lloyd White et al of Maryland for MEMBRANE SEPARATION FOR SULFUR REDUCTION appearing in the Official Gazette of April 29, 2003 should be deleted since no patent was granted."

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Geraldine Dozier, 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)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane Davis (CDS), CM1-6A07
Tamara K. Greene, PK3-910

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 9

MICHAEL J. MALLIE
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES CA 90025-1026

COPY MAILED

AUG 0 1 2003

OFFICE OF PETITIONS

In re Application of :
Edward L. Schwartz, et al :DECISION GRANTING PETITION
Application No. 09/784,928 :UNDER 37 CFR 1.137(b)
Filed: February 15, 2001 :
Attorney Docket No. 074451.P127 :

This is a decision on the petition, filed May 20, 2003, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in a foreign country on December 11, 2001. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in a foreign country.

Petitioner contends that "the USPTO has misinterpreted the requirements of 35 U.S.C. § 122, causing the needless filing of the subject Petition, and respectfully requests a refund under 37 CFR § 1.26 for the fees under 37 CFR § 1.17(m) mistakenly required to be paid." The petition fails to state with any specificity as to how the USPTO misinterpreted the rules.

However, petitioner's attention is directed to 35 U.S.C. 122(b)(2)(B) which states, in pertinent part:

> (i) If an applicant makes a request upon filing, certifying that the invention disclosed in the application has not and will

not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing, the application shall not be published as provided in paragraph (1).

(ii) **An applicant may rescind a request made under clause (i) at any time**.

(iii) An applicant who has made a request under clause (i) but who subsequently files, in a foreign country or under a multilateral international agreement specified in clause (i), an application directed to the invention disclosed in the application filed in the Patent and Trademark Office, shall notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. **A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned**, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

(iv) If an applicant rescinds a request made under clause (i) **or** notifies the Director that an application was filed in a foreign country or under a multilateral international agreement specified in clause (i), the application shall be published in accordance with the provisions of paragraph (1) on or as soon as is practical after the date that is specified in clause (i).

The Congressional record explains that, if applicant has requested nonpublication because the application will not be filed "in a foreign country with a publication requirement, subparagraph (B)(iii) imposes a duty on the applicant to notify the Director of this fact. An unexcused failure to notify the Director will result in abandonment of the application." See 145 Cong. Rec. S14,718 (November 17, 1999).

A review of the file record discloses that this application was filed with a proper nonpublication request. As noted above, on December 11, 2001, applicant filed a counterpart international application relating to the subject matter of the above-identified application. Thereafter, on February 13, 2002, applicant filed a Notice of Rescission of Nonpublication Request, but did not notify the

USPTO that this application was being filed as a counterpart international application. Notification of the filing of the counterpart international application as required by 35 U.S.C. 122(b)(2)(B)(iii) and 37 CFR 1.213(c) was provided at the time of filing of the instant petition.

The American Inventors Protection Act of 1999 required publication of certain patent applications filed on or after November 29, 2000, and allowed applicants to request nonpublication if the invention disclosed in the application had not been and would not be the subject of an application filed in another country, or pursuant to an international agreement that required publication of patent applications eighteen months after filing. The Act permitted applicants to rescind the nonpublication request at any time, but also required applicants to notify the USPTO if they had made a nonpublication request (with the certification that the invention disclosed in the application had not been and would not be "foreign filed," and then did foreign file). If an applicant requested nonpublication, and then did not provide notice of foreign filing no later than 45 days of the foreign filing, the statute provides that the application would be regarded as abandoned. An applicant who rescinded a nonpublication request after filing the U.S. application but before foreign filing the application is not understood to be required to also file a notice of foreign filing, since the rescinding of the nonpublication request prior to foreign filing would nullify the nonpublication request (if received in the USPTO prior to the date of foreign filing).

In view of the above and as the notification to the USPTO of the foreign filing on December 11, 2001 of the counterpart international application did not occur within 45 days of such filing, this application is regarded as abandoned as of midnight on January 25, 2002 pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c). Therefore, the appropriate relief from the abandoned status of this application is the filing of a petition under 37 CFR 1.137(b).

A petition to revive an application abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the reply which is met by the notification of such filing in a foreign country or under a multinational treaty;

(2) the petition fee as set forth in 37 CFR 1.17(m); and

(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 instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the Office of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

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. 35 U.S.C. § 41(c)(7). Therefore, the $1,300 petition fee submitted is not refundable.

Any inquiries concerning this decision may be directed to Karen Creasy at (703) 305-8859.

This application is being forwarded to Technology Center Art Unit 2621 for examination in due course.

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

FROMMER LAWRENCE & HAUG
745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

COPY MAILED

DEC 23 2004

OFFICE OF PETITIONS

In re Application of
Allan, et al.
Application No. 09/784,962
Filed: February 16, 2001
Attorney Docket No: 454313-2338.1

ON PETITION

This is regarding the "Petition to Revive and Waive Rules" filed November 9, 2004. The petition will be treated as a petition under 37 CFR 1.137(b) to accept an unintentionally delayed oath or declaration.

The petition is dismissed as moot.

Petitioner has requested that the Declaration and Power of Attorney filed with the petition be accepted as if it were filed when a correct Declaration and Power of Attorney should have been filed during prosecution of the patent application. Petitioner makes this request because it is alleged that the signatures of some of the inventors were falsified on the originally filed declaration.

While the facts of the petition are noted, a review of the application history did not reveal any error in the prosecution, relative to the oath or declaration, that could be remedied by the filing of a petition under 37 CFR 1.137(b). More specifically, no Office communication was issued requiring the filing of a properly executed oath or declaration such that the subsequent failure to file a declaration with the true signatures of the inventors would have resulted in abandonment of the application justifying the filing of a petition under 37 CFR 1.137 at this juncture. The instant petition is, therefore, moot.

Notwithstanding the aforementioned, the declaration filed with the instant petition can be made a part of the record as a supplemental declaration filed pursuant to 37 CFR 1.67 which allows for the filing of a supplemental declaration to correct deficiencies or inaccuracies present in an earlier filed application. The declaration filed November 19, 2004, is noted as a supplemental declaration pursuant to 37 CFR 1.67, accordingly. The petition fee of $130.00 will be refunded via treasury check.

The application file will be directed to Technology Center 1600 for further processing.

Telephone inquiries regarding this matter should be directed to the undersigned at (571)272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

09/784,962 **Paper No.:**

DATE :

TO SPE OF : ART UNIT 1648

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

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:

McNeilly can not be added as inventor because patentees have not complied with 37 CFR 1.324.

BRUCE R. CAMPELL, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

SPE: Bruce Campell 1648 Art Unit

6-22-07

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

Patent No.: 6,953,581 B2
Inventor(s): Gordon Moore Allan, et. al.
Issued : October 11, 2005
Title :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and or 1.323.

Respecting the alleged error on the title page, item [75] inventor, McNeilly cannot be added because patentees have not complied with 37 CFR 1.324.

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to add or delete inventor(s), after issuance of the patent.

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

A certificate of correction will issue to correct the remaining errors.

Any petition under 37 CFR 1.324(required fee currently $130) 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
Technology Center 1733/Examiner M. Tolin
Washington, D.C. 20231

For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 305-8309 or (703) 308-8331

Thomas J. Kowalski
Frommer Lawrence & Haug
745 5th Avenue
New York, NY 10151

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

6-22-07

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

Patent No. : 7,080,894 B2
Ser. No. : 10/760,188
Inventor(s) : Kia Silverbrook, et. al.
Issued : July 25, 2006
Title : SILVERBROOK RESEARCH PTY LTD
Docket No. : MPA05US

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or 105

Kia Silverbrook
393 Darling Street
PO Box 207 Balmain NSW 2041 Australia

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : 7-13-07

Patent No.: 6,953,581B2
Patent Issued : October 11, 2005
Inventor(s): Gordon Moore Allan, et. al.
Title: PORCINE CIRCOVIRUS AND PARVOVIRUS VACCINE

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322or 1.323.

Respecting the alleged error on the title page, item [75] inventor, McNeilly cannot be added because patentees have not complied with 37 CFR 1.324.

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to add or delete inventor(s), after issuance of the patent

In view of the foregoing, your request in this matter is again hereby denied. However, further consideration will be given upon receipt of a request for reconsideration directed to Decisions & Certificates of Correction Branch.

Eva James
For Cecelia B. Newman
Certificate of Correction Branch
(703) 308-9390 ext. 124 or ext. 102

Thomas J. Kowalski
Frommer Lawrence & Haug
745 5th Avenue
New York, NY 10151

ej

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Fish & Richardson, P.C.
225 Franklin Street
Boston, MA 02110-2804

COPY MAILED

AUG 17 2005

OFFICE OF PETITIONS

In re Patent No. 6,824,659 :
Issue Date: November 30, 2004 :
Application No. 09/784,985 : ON PETITION
Filed: February 15, 2001 :
Attorney Docket No. 07917-062002/UMMC98-03F :

This is a decision on the petition filed July 5, 2005, which is being treated as a petition under 37 CFR 3.81[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**.

The Office mistakenly charged petitioner's deposit account $400 for treatment of the instant petition. However, a petition under 37 CFR 3.81 requires a $130 petition fee. Therefore, the difference of $270 will be credited to petitioner's deposit account.

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3226. Questions concerning the Certificate of Correction may be directed to the Certificates of Correction Branch at (703) 305-8309.

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

[1] *See Official Gazette of June 22, 2004*

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FENWICK & WEST LLP
TWO PALO ALTO SQUARE
PALO ALTO, CA 94306

Paper No. 6

MAIL

JUN 24 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:)
Girish K. Mutreja)
Application No.: 09/784,988)
Filed: February 15, 2001)
For: INTRA-PROCESS MESSAGE SWITCH

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the Request To Withdraw As Attorneys filed June 6, 2002.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED**.

All attorneys listed under customer number 00758 and Dana Rao have been withdrawn, leaving no attorneys remaining in the application.

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

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

cc: Andre Marais
Blakely Sokoloff Taylor and Zafman LLP
60 S. Market Street, Suite 510
San Jose, CA 95113-2392

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Andre L. Marais
Blakely, Sokoloff, Taylor & Zafman, LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

COPY MAILED

JAN 31 2005

OFFICE OF PETITIONS

In re Application of: Girish K. Mutreja :
Application No. 09/784,988 : NOTICE
Filed: February 15, 2001 :
Attorney Docket No. 14699-05097 :

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 file is being referred to Technology Center Art Unit 2664, for review of the amendment filed January 4, 1004.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3226.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 11

Patent Department
Swidler Berlin Shereff Friedman, LLP
Suite 300
3000 K Street, N.W.
Washington DC 20007

MAILED

FEB 0 4 2004

Technology Center 2100

In re Application of: CHARLES A. PRICE, ET AL.
Application No.: 09/785,008
Filed: February 16, 2001
For: **SYSTEM AND METHOD FOR REMOTELY CONFIGURING TESTING LABORATORIES**

DECISION ON PETITION FOR ACCELERATED EXAMINATION UNDER M.P.E.P. §708.02(VIII)

This is a decision on the petition, filed April 18, 2004 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 is **DISMISSED**.

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(h);
>
> (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.

Petitioner's submission is deficient in that it does not comply with items (B), and (E) above:

(1) The petition does not contain the statement that Petitioner will make an election ***without traverse*** if the Office determines that all claims are not obviously directed to a single invention as required by item (B) above.

(2) Petitioner's submission does not provide a **detailed** discussion of the references, which points out, with the **particularity** required by 37 CFR 1.111(b) and (c), **how** the claimed subject matter is **patentable over the references**. Petitioner's submission provides short summaries (3 to 4 lines) of cited references, and generally concludes that each reference "does not, however, appears to teach or suggest creating a network topology description for a test scenario, scheduling the execution of a test scenario or executing a test scenario" (emphasis added). The use of the terms "appears to disclose" and "does not ... appear to teach" in the Petitioner's discussion implies some doubt about the existence of the claim elements. In addition, Petitioner's submission discusses "**test** scenario," which is not a claim limitation in any independent claims. Short summaries of cited references, the use of the terms "appears to disclose" and "does not ... appear to teach," and the main discussion being about elements which are not claimed, without more, do not comply with the above-mentioned item (E).

Accordingly, the Petition is **DISMISSED**. 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.

Bot LeDynh, J.D., Ph.D.
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 305-0651

UNITED STATES PATENT AND TRADEMARK OFFICE

#13

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

MAILED

APR 3 0 2004

TECHNOLOGY CENTER 2100

Paper No. 13

Patent Department
Swidler Berlin Shereff Friedman, LLP
Suite 300
3000 K Street, N.W.
Washington, DC 20007

In re Application of:
Charles A. PRICE et al.
Application No. 09/785,008
Filed: February 16, 2001
For: SYSTEM AND METHOD FOR REMOTELY CONFIGURING TESTING LABORATORIES

DECISION ON PETITION FOR ACCELERATED EXAMINATION UNDER M.P.E.P. §708.02(VIII)

This is a decision on the petition, filed 18 April 2003, supplemented with the paper filed 17 March 2004, requesting the grant of special status based on M.P.E.P. §708.02, Section VIII.

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 combination of submissions 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.

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
www.uspto.gov

Paper No. 12

SUN MICROSYSTEMS, INC
4120 NETWORK CIRCLE
MS USCA12-203
SANTA CLARA, CA 95054

COPY MAILED
APR 0 7 2004
OFFICE OF PETITIONS

In re Application of :
Tim Foster :
Application No. 09/785,012 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. P4740 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 29, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Office action mailed August 14, 2003. Accordingly, this application became abandoned on November 15, 2003. A Notice of Abandonment was mailed on March 4, 2004.

The file is being forwarded to Technology Center 2100.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

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

Paper No. 8

BAKER BOTTS, LLP
ONE SHELL PLAZA
910 LOUISIANA
HOUSTON, TX, 77002

COPY MAILED

AUG 2 0 2003

OFFICE OF PETITIONS

In re Application of :
Alfred P. Hildebrand :
Application No. 09/785,024 : ON PETITION
Filed: February 15, 2001 :
Attorney Docket No. 068363.0185 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 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 Application (Notice) mailed March 15, 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 May 16, 2001. A Notice of Abandonment was mailed on June 30, 2003.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $985.00 extension of time submitted with the petition on July 21, 2003 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account no. 02-0383.

The file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 306-9200.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
United States Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

MAILED

APR 25 2002

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2100

COMMISSIONER FOR PATEN
UNITED STATES PATENT AND TRADEMARK OFFI
WASHINGTON, D.C. 2023
www.uspto.g

Paper No. 4

Cooley Godward LLP
Attn: Patent Group
11951 Freedom Drive
One Freedom Square-Reston Town Center
Reston, VA 20190-5601

In re Application of: John W. Fisher, Jr. et al.
Application No. 09/785,062
Filed: February 16, 2001
For: METHOD AND SYSTEM FOR GENERATING, DISPLAYING, AND MANIPULATING A MARKETING MODEL

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed February 12, 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
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Electronic Commerce
(703) 306-4160

cc: Mr. John W. Fisher
Tactical Marketing Ventures, LLC
10385 Westmoor Drive, Suite 200
Westminster, Colorado 80021

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : November 08,2007

TO SPE OF : ART UNIT 2185

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/785,063 Patent No.: 7134074 B2

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

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

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

DO NOT SENT TO ATTORNEY

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

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

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

LAMONTE NEWSOME

Certificates of Correction Branch

703-308-9390 ext. 112

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

SANJIV SHAH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

10/8/07

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KENNETH H. SAMPLES
FITCH EVEN TABIN & FLANNERY
120 SOUTH LASALLE STREET
SUITE 1600
CHICAGO, IL 60603-3406

COPY MAILED

MAR 0 7 2006

OFFICE OF PETITIONS

In re Patent No. 6,892,623	:	
Issue Date: May 17, 2005	:	
Application No. 09/785,072	:	ON PETITION
Filed: February 16, 2001	:	
Attorney Docket No. 70207	:	

This is a decision on the petition under 37 CFR 3.81(b), filed December 5, 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

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)
6,588,473	2003-07-08	09/785,135	2001-02-16	

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

SMALL ENTITY

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

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

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	/Dale J. Ream/	Date (YYYY-MM-DD)	2008-04-02
Name	Dale J. Ream	Registration Number	45798

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. 6588473
Issue Date: July 8,2003
Application No. 09785135
Filed: February 16,2001
Attorney Docket No. 00-0068

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

This is a decision on the electronic petition, filed April 2,2008 ,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 April 2,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 5

Jeffrey A. Pyle
Williams, Morgan & Amerson, P.C.
7676 Hillmont, Suite 250
Houston, Texas 77040

MAILED

NOV 27 2001

Technology Center 2100

In re Application of: Steven Hobbs et al.)
Application No. 09/785,143)
Filed: February 16, 2001) **DECISION ON REQUEST FOR**
For: METHOD AND APPARATUS FOR) **WITHDRAWAL AS ATTORNEY**
REDUCING CACHE THRASHING)

This is a decision on the Request To Withdraw from Representation filed September 24, 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: Michael F. Heim, Esquire
Conley, Rose & Tayon
600 Travis, Suite 1800
Houston, Texas 77002-2912

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. 7

Michael F. Heim, Esq.
Conley, Rose & Tayon, P.C.
600 Travis, Suite 1800
Houston, Texas 77002-2912

JAN 2 3 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of: Steven Hobbs et al.)
Application No. 09/785,143)
Filed: February 16, 2001) **DECISION ON REQUEST FOR**
For: METHOD AND APPARATUS FOR) **WITHDRAWAL AS ATTORNEY**
REDUCING CACHE THRASHING

This is a decision on the Request To Withdraw from Representation filed January 7, 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.

As a result of a previous request for withdrawal granted on 27 November 2001, the attorneys requesting withdrawal are no longer of record. Accordingly, the request is **DISMISSED AS MOOT**. A courtesy copy of this decision is being supplied to the attorneys requesting withdrawal at the below-listed address.

All future communications from the Office will continue to be directed to the above-listed address until otherwise notified by applicant. Applicant is reminded of the obligation to promptly notify the 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: Terry D. Morgan
Williams, Morgan & Amerson, P.C.
7676 Hillmont, Suite 250
Houston, Texas 77040

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Bradley D. Lytle
Oblon, Spivak, McClelland, Maier & Neustadt, P.C.
1940 Duke Street
Alexandria, VA 22314

MAILED

AUG 17 2006

Technology Center 2100

In re Application of: Saito et al.
Application No.: 09/785,204
Filed: February 20, 2001
Attorney Docket No.: 203391US6
For: INFORMATION PROCESSING APPARATUS AND METHOD AND PROGRAM STORAGE MEDIUM

DECISION ON PETITION *UNDER 37 CFR §1.181*

This is a decision on the petition filed October 3, 2005, under 37 CFR § 1.181(a)(3), requesting that the Notice of Non-Compliant Brief (37 CFR § 41.37), mailed September 2, 2005, be withdrawn. The delay in responding to the instant petition is regretted.

A review of the file record indicates that simultaneously with the instant petition, a supplemental Appeal Brief (also apparently submitted in response to the Notice of Non-Compliant Brief) was filed (October 3, 2005). Therefore, the instant application is being forwarded to the Examiner for prompt consideration (and treatment) of the supplemental Appeal Brief, which appears to be in compliance with 37 CFR § 41.37.

In view of the above stated reason, the instant petition, filed under 37 CFR §1.181(a)(3) to invoke supervisory authority to withdraw the September 2, 2005 Notice of Non-Compliant Brief, is rendered moot.

Accordingly, the petition is **DISMISSED as MOOT**.

In addition, Petitioner's request for credit in processing delays of the supplemental Appeal Brief and calculation of patent term extension is premature, as the instant application has not yet in fact been patented. Petitioner's attention is directed to 37 CFR § 1.701-1.750.

Telephone inquiries should be directed to Special Programs Examiner Brian Johnson on 571-272-3595.

Peter Wong
Director, Technology Center 2100
Computer Architecture, Software, and Information Security

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ZILKA-KOTAB, PC
P.O. BOX 721120
SAN JOSE, CA 95172-1120

COPY MAILED

MAR 0 8 2006

OFFICE OF PETITIONS

In re Application of :
Lee Codell Lawson Tarbotton et al. :
Application No. 09/785,216 : ON PETITION
Filed: February 20, 2001 :
Attorney Docket No. NAI1P503/00.147.01 :

This is a decision on the petition under 37 CFR 1.137(b)[1], filed December 21, 2005 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 March 29, 2005. A response was due by June 29, 2005. No response having been filed and no extensions of time requested, this application became abandoned June 30, 2005. The instant petition and this decision precede the mailing of the Notice of Abandonment.

Petitioner has submitted a Request for Continued Examination (RCE) and an amendment as the submission required under 37 CFR 1.114.

All other requirements under 37 CFR 1.137(b) having been met, this application is being forwarded to Technology Center 2131 for processing of the RCE.

Telephone inquiries related to this decision should be directed to the undersigned Petitions Attorney at (571) 272-3212.

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)).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

JUL 13 2006

OFFICE OF PETITIONS

Peter K. Trzyna
P.O. Box 7131
Chicago, IL 60680

In re Application of :
Richard A. Graff :
Application No. 09/785,254 : DECISION DISMISSING PETITION
Filed: February 16, 2001 :
Attorney Docket No. GRAFF-P1-01 :

This is a decision on the "Petition to Withdraw Terminal Disclaimer" filed July 5, 2005. The petition will be treated under 37 CFR 1.182.

The petition is **dismissed.**

The record reflects that a terminal disclaimer was filed in the subject application on February 16, 2001, to overcome a double-patenting rejection. By the instant petition, petitioner maintains that the terminal disclaimer is unnecessary and requests that the terminal disclaimer be withdrawn because the claims have been substantial amended since the terminal disclaimer was filed. Examiner Mark Fadok of Technology Center 3600, GAU 3625 to whom the subject application is assigned has reviewed the claims and finds that the terminal disclaimer is still necessary to overcome a double patenting rejection for obviousness. The petition to withdraw the terminal disclaimer is dismissed accordingly.

Deposit account 50-0235 will be charged $400.00 for the instant petition fee. See 37 CFR 1.182

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

By mail: Commissioner for Patents
United States Patent and Trademark Office
Box 1450
Alexandria, VA 22313-1450

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

The application file is being directed to the Office of Patent Publications for further processing.

Any inquiries related to 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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 5

William M. Lee, Jr.
Barnes & Thornburg
P.O. Box 2786
Chicago IL 60690-2786

COPY MAILED

FEB 2 0 2003

OFFICE OF PETITIONS

In re Application of
Ahmad
Application No. 09/785,340
Filed: February 16, 2001
Attorney Docket No. 476-1989

DECISION GRANTING
PETITION

This is a decision on the petition under 37 CFR 1.10(c), filed February 6, 2003, requesting that the above-identified application be accorded a filing date of February 16, 2001, rather than the presently accorded filing date of February 20, 2001. The application file was recently forwarded to the Office of Petitions for a decision on the present petition. The Office sincerely apologizes for any inconvenience.

Petitioner alleges that the application was deposited in Express Mail service on February 16, 2001. In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EL761852880US. The "date-in" indicated on the Express Mail label is February 16, 2001. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is **granted**. No petition fee is necessary.

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to February 16, 2001, and the mailing of a corrected filing receipt.

Telephone inquiries should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THOMAS, KAYDEN, HORSTEMEYER & RISLEY, LLP
100 GALLERIA PARKWAY, NW
STE 1750
ATLANTA, GA 30339-5948

COPY MAILED

JUN 22 2007

OFFICE OF PETITIONS

In re Application of :
BETTS :
Application No.: 09/785,366 : DECISION ON PETITION
Filing Date: February 16, 2001 : UNDER 37 CFR 1.137(B)
Attorney Docket No.: 061607-1580 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 16, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed September 27, 2006, which set a statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on December 28, 2006.

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 and publication fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the payment of the issue fee and publication fee is accepted as having been unintentionally delayed.

This application is being referred to the Office of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3303.

Bryan Lin

Bryan Lin
Legal Examiner
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. 8

Cantor Colburn
55 Griffin Road South
Bloomfield, CT 06002

COPY MAILED

FEB 0 4 2004

OFFICE OF PETITIONS

In re Application of :
Robert Allan Bourne et al. :
Application No. 09/785,390 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. RD28106-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 29, 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 March 27, 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 June 28, 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 extension of time submitted with the petition on December 29, 2003 was subsequent to the maximum extendable period for reply, the extension of time is unnecessary. Accordingly, no fee has been charged.

The application file is being forwarded to Technology Center AU 1732 for further processing.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOHN C. ALTMILLER
KENYON & KENYON
1500 K STREET, N.W., SUITE 700
WASHINGTON, D.C. 20005

COPY MAILED

MAY 12 2004

OFFICE OF PETITIONS

In re Application of :
Kiwamu Tanahashi et al :
Application No. 09/785,416 : NOTICE
Filed: February 20, 2001 :
Attorney Docket No. 11995/2

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

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)
6,488,726	2002-12-03	09/785,440	2001-02-20	7423.P002

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	/Ryan W. Elliott/	Date (YYYY-MM-DD)	2008-11-24
Name	Ryan W. Elliott	Registration Number	60156

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. 6488726
Issue Date: December 3,2002
Application No. 09785440
Filed: February 20,2001
Attorney Docket No. 24535

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

This is a decision on the electronic petition, filed November 24,2008 ,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 24,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in 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

MAILED

MAY 23 2002

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

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

Paper No. 8

Stephan C. Glazier
Pillsbury Winthrop LLP
P.O. Box 10500
McLean, Virginia 22102

In re Application of: Kathryn A. Jones	)	
Application No. 09/785,462	)	
Filed: February 20, 2001	)	**DECISION ON PETITION FOR**
For: E^2 AUTOMOBILE DEALERSHIP	)	**ACCELERATED EXAMINATION**
INFORMATION MANAGEMENT	)	**UNDER M.P.E.P. §708.02(VIII)**
SYSTEM	)	

This is a decision on the petition, filed December 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.

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(h);
>
> (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 deemed deficient because it does meet the requirements of section (b) which states:

> (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.

Petitioner states "If it is determined that the pending claims are not directed to a single invention, Applicant's will make an election without traverse as required under M.P.E.P. §708.02(VIII)(b)." Section (b) quoted above is read as containing two requirements. First, Applicant must assert that the claims as presented are directed to a single invention (emphasis added). Second, Applicant must agree that in the event that the Office determines otherwise Applicant will elect without traverse. That is, the ***"or if"*** is read as meaning "in the event that". Applicant must first assert that the claims are directed to a single invention in order to meet a threshold for consideration of the Petition.

Furthermore, Applicant's submission is deficient in that it merely reproduces the Abstracts provided in each reference. That is, the submission does not satisfy the requirement of section (e) as it does not provide a ***detailed discussion*** of the references.

Accordingly, the Petition is **DISMISSED**. 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

VENABLE, BAETJER AND HOWARD, LLP
POST OFFICE BOX 34385
WASHINGTON DC 20043-9998

COPY MAILED

JUN 18 2002

OFFICE OF PETITIONS

In re Application of
Komazaki, et al.
Application No. 09/785,501
Filed: February 20, 2001
Attorney Docket No. 32011-169878
For: BRANCHING FILTER

DECISION GRANTING
PETITION

This is a decision on the petition entitled, "PETITION UNDER 37 CFR 1.181(a)(3)", filed May 8, 2001 and supplemented on May 31, 2002, requesting that the above-identified application be accorded a filing date of February 20, 2001. The petition will be treated under 37 CFR 1.53(e).

The application was deposited on February 20, 2001. On April 27, 2001, the Office of Initial Patent Examination mailed a Notice informing petitioners that no filing date had been accorded to the application papers deposited on February 20, 2001 because no drawings were present, as is required by 35 USC 113.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that the above-identified application be accorded a filing date of February 20, 2001 on the basis that 11 sheets of drawing figures were received in the Patent and Trademark Office (PTO) on February 20, 2001. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp citing February 20, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 11 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 11 sheets of drawing figures were filed on February 20, 2001. MPEP 503. Accordingly, the request is granted.

No fee has been or will be charged in connection with this matter.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **February 20, 2001**, using the copies of the 11 sheets of drawings submitted with the instant petition. Office records will be corrected to show that 11 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to Petitions Attorney E. Shirene Willis at (703) 308-6712.

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

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: VENABLE
1201 NEW YORK AVENUE, N.W.
SUITE 1000
WASHINGTON, DC 20005-3955

UNITED STATES PATENT AND TRADEMARK OFFICE

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

VENABLE BAETJER HOWARD AND CIVILETTI LLP
P O BOX 34385
WASHINGTON DC 20043-9998

COPY MAILED

AUG 0 5 2004

OFFICE OF PETITIONS

In re Application of :
Tomokazu Komazaki et al :
Application No. 09/785,501 : DECISION GRANTING PETITION
Filed: February 20, 2001 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 32011-169878 :

This is a decision on the petition, filed July 26, 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 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 should be directed to the undersigned at (703) 305-8680.

This matter is being referred to Technology Center AU 2817 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).

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

09/785502
Paper No.: _____

DATE : 10-6-05

TO SPE OF : ART UNIT 2815

SUBJECT : Request for Certificate of Correction on Patent No.: 6847074
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.
Check claims

Thank You For Your Assistance

E Young
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:

_____

_____

_____

_____

_____

_____ 2815
SPE **Art Unit**

9/785502

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20060802

DATE : August 2, 2006

TO SPE OF : ART UNIT 2815

SUBJECT : Request for Certificate of Correction on Patent No.: 6847074

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:

EDWARD WOJCIECHOWICZ
PRIMARY EXAMINER

SPE: Ken Parker **Art Unit** 2815

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20060802

DATE : August 2, 2006

TO SPE OF : ART UNIT 2815

SUBJECT : Request for Certificate of Correction on Patent No.: 6847074

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:

EDWARD WOJCIECHOWICZ
PRIMARY EXAMINER

SPE: Ken Parker **Art Unit** 2815

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

Pet. Atty.

MAR 31 2004 td

Mailed:

In re application of :
Clemens Schmick et al. : DECISION ON
Serial No. 09/785,508 : PETITION
Filed: February 20, 2001 :
For: APPARATUS FOR TRANSPORTING STREAMS OF TOBACCO PARTICLES AND THE LIKE

This is a decision on the PETITION UNDER 37 CFR 1.181 TO WITHDRAW THE FINALITY OF THE OFFICE ACTION mailed May 6, 2003.

On November 18, 2002, a non-final office action was mailed to applicants rejecting various claims and objecting to other claims as being dependent on a rejected base claim. A reply to the office action was filed by Applicant on February 19, 2003. In the reply, Applicant made several amendments to the claims. One of these amendments was to cancel originally filed claims 1 and 8 and present new independent claim 22 which incorporated the two previous claims into a single independent claim. On May 6, 2003, a final office action was mailed.

On May 13, 2003 the instant petition under 37 CFR 1.181 was filed to formally request the withdrawal of finality of the May 6, 2003 office action.

Applicants position for the withdrawal of the finality is that the new grounds of rejection in the final office action were not necessitated by Applicant's amendments to the claims.

DECISION

Section 706.07 of the MPEP states:

706.07(a) Final Rejection, When Proper on Second Action

Under present practice, second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c) with the fee set forth in 37 CFR 1.17(p).

Petitioner argues that because newly presented claim 22 was merely previous claim 8 rewritten in independent form, the new grounds of rejection applied by the examiner to this claim and then made final were improper. This argument is persuasive. Claim 8 was originally rejected over Garthaffner et al. (US Patent No. 4,817,638) in the office action of November 18, 2002. Claim 22 was then rejected over Garthaffner et al. in view of Crowder and over Korber (GB 919,150) in view of Crowder in the final office action mailed May 6, 2003. The amendment did not require the new grounds of rejection in the final office action.

Because the rejection of claim 22 based on a new ground of rejection was improper, the finality of the office action was premature. Accordingly, the petition for withdrawal of finality is **GRANTED.**

It is also pointed out that while the finality of the office action has been withdrawn, the rejection still stands. It is also noted that Applicants filed a timely amendment on August 5, 2003. This amendment will be treated as an amendment after a non-final office action and will be entered. The application is being forwarded to the Examiner for consideration of said amendment and appropriate action thereon.

JMStone

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

VENABLE, BAETJER, HOWARD AND CIVILETTI, LLP
P.O. BOX 34385
WASHINGTON DC 20043-9998

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATREA L. PABST
PABST PATENT GROUP LLP
400 COLONY SQUARE, SUITE 1200
1201 PEACHTREE STREET
PRINCETON, NJ 08543-5312

COPY MAILED

FEB 16 2006

OFFICE OF PETITIONS

In re Application of :
Joseph D. Gresser, et al. :
Application No. 09/785,593 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. CSI-112AX :

This is a decision on the petition under 37 CFR 1.137(b), filed December 5, 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 final Office action mailed October 19, 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 application became abandoned on January 20, 2005.

In view of the submission of the petition fee in the large entity amount of $1,500, status as a small entity has been removed.

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 and a Request for Continued Examination (RCE); (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received. Accordingly, the petition filed December 5, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being forwarded to Technology Center 3700, Art Unit 3738 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

PATENT ADMINISTRATOR
GOODWIN PROCTER LLP
EXCHANGE PLACE
53 STATE STREET
BOSTON, MA 02109

COPY MAILED

MAR 10 2009

OFFICE OF PETITIONS

In re Application of :
Thaler et al. :
Application No. 09/785,598 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. BCO-001A :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 1, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, July 9, 2007, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on October 10, 2007. A Notice of Abandonment was mailed March 28, 2008.

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.

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 $1,620, and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center 2619 for further examination on the merits.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

#6 DW

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUN 17 2003

Law Offices of Ronald M. Anderson
600 108th Ave., N.E.
Suite 507
Bellevue, WA 98004

MAILED

JUN 17 2003

**OFFICE OF THE DIRECTOR
TC 3600**

In re application of
Scott A. Laster et al.
Application No. 09/785,668 :
Filed: February 16, 2001 :
For: SYSTEM AND METHOD FOR SUPPORTING ONLINE AUCTIONS :

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on May 19, 2003, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks condition B) above.

As to condition B), there is no indication in the file record of the assignee being the "client." Absent a 3.73(b) statement, the "client" referred to in 37 CFR 10.40 is seen as being those individuals who conferred power upon the attorneys, in this case the inventors.

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-0868
(703) 605-0586 (facsimile)

SNM/dxn: 6/11/03

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

SHELDON R. MEYER, ESQ.
FLIESLER DUBB MEYER & LOVEJOY LLP
FOURTH FLOOR
FOUR EMBARCADERO CENTER
SAN FRANCISCO , CA 94111-4156

COPY MAILED

NOV 1 5 2001

OFFICE OF PETITIONS

In re Application of
Rocky Stewart, Pal Takacsi-Nagy, Timo Metasportti, and Michael Hyndman

Application No. 09785,687
Filed: February 16, 2001
Attorney Docket No. BEAS-01033US
Title: MESSAGE ROUTING SYSTEM FOR ENTERPRISE WIDE ELECTRONIC COLLABORATION

DECISION REFUSING STATUS UNDER 37 C.F.R. §1.47(a)

This is in response to the petition under 37 CFR §1.47(a)[1], filed July 23, 2001.

The petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §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 C.F.R. §1.136(a).

The above-identified application was filed on February 16, 2001. On March 21, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with §1.63 and the surcharge for its late filing. This Notice set a two-month period for reply.

---

1 A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application;
(3) a statement of the last known address of the non-signing inventors;
(4) proof that diligent efforts have been made to locate the non-signing inventor;
(5) a declaration which complies with 37 CFR 1.63.

In reply, applicant filed the instant petition (and fee). Accompanying the petition was a two-month extension of time, a declaration executed by three of the four inventors, as well as a declaration by the petitioner that sets forth that two e-mails were sent on April 17, 2001 and April 24, 2001, to the non-signing inventor at his work address, requesting his signature on the declaration. After no response was received, the petitioner learned that the non-signing inventor was no longer employed by the assignee. On April 27, 2001, the petitioner sent the relevant documents to the last known home address of the inventor[2], where an Irene Summanen signed for them[3]. On May 23, 2001 and on June 6, 2001, the petitioner telephoned the non-signing inventor at his last known telephone number[4], only to learn that the telephone number was invalid.

Rule 47 applicant has met requirements (1), (2), (3), and (5) above.

Regarding requirement (4) above, it is determined that the Rule 47 applicant has failed to show that the non-signing inventors refused to sign the declaration after having been presented with the application papers. Before a refusal can be alleged, applicant must demonstrate that a *bona fide* attempt was made to present a copy of the application papers to each non-signing inventor[5].

Petitioner has not shown that the non-signed inventors cannot be reached or located after diligent effort. The petitioner sent the relevant documents to the non-signing inventor's residence in Finland, and an unknown person accepted the package. The petitioner then telephoned the non-signing inventor at this same address, only to find that the telephone number was no longer valid. Both of these events would indicate to the average person that the non-signing inventor no longer resided at this address, and yet no attempt was made to locate the present whereabouts of the non-signing inventor. Furthermore, even though an alternate address is listed on the declaration submitted with the instant petition, no mention is made of any attempt to contact the non-signing inventor at this California listing.

As these seemingly obvious steps were not taken, these actions, by themselves, do not constitute a diligent search. There is no indication that Rule 47 applicant attempted to verify the inventor's addresses or, if appropriate, to determine his forwarding addresses, and to send the application papers to those addresses for consideration by the inventor6. If diligent efforts to obtain a forwarding address or to locate the non-signing inventor by other means such as through E-mail, telephone, or the Internet continue to fail, then

---

2 Unfortunately, a copy of the FedEx label was not included with the present petition, and the included e-mail receipt from Fed Ex does not include the shipping address. Furthermore, the hypertext link to the FedEx Website found on the receipt is no longer valid, and the information is no longer accessible from the Website. The declaration lists the residence of the non-signing inventor as being in Finland, and the Post Office address as being in California. Since the declaration states that the packages were sent to the "last known home address", it will be assumed that these were sent to the address in Finland.

3 The identity of this person, as well as her relationship to the the non-signing inventor, appears to be unknown.

4 This is again assumed to be at his address in Finland.

5 See MPEP 409.03(d).

6 See MPEP 409.03(d).

applicant will have provided the necessary proof required under 37 C.F.R. §1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. Applicant should submit documentary evidence such as the results of an E-mail or Internet search.

On renewed petition, the petitioner should either provide the signatures of the non-signing inventors, or provide a showing that a diligent search has been undertaken, and has failed to secure the signature of Mr. Metasportti.

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

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

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

SHELDON R. MEYER, ESQ.
FLIESLER DUBB MEYER & LOVEJOY LLP
FOURTH FLOOR
FOUR EMBARCADERO CENTER
SAN FRANCISCO , CA 94111-4156

COPY MAILED

APR 3 0 2002

OFFICE OF PETITIONS

In re Application of :
Rocky Stewart, Pal Takacsi-Nagy, Timo :
Metasportti, and Michael Hyndman :
Application No. 09/785,687 : DECISION NOTING JOINDER AND
Filed: February 16, 2001 : DISMISSING PETITION UNDER
Attorney Docket No. BEAS-01033US : 37 C.F.R. §1.47(a) AS MOOT
Title: MESSAGE ROUTING SYSTEM FOR :
ENTERPRISE WIDE ELECTRONIC :
COLLABORATION :

This is in response to the renewed petition under 37 C.F.R. 1.47(a)[1], filed January 28, 2002[2].

The renewed petition is **DISMISSED AS MOOT**.

The above-identified application was filed on February 16, 2001. On March 21, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted" (Notice), requiring an executed oath or declaration in compliance with 37 C.F.R. §1.63 and the surcharge for its late filing. This Notice set a two-month period for reply.

[1]A grantable petition under 37 C.F.R. §1.47(a) requires:
(1) the petition fee of $130;
(2) a surcharge of either $65 or $130 if the petition is not filed at the time of filing the application;
(3) a statement of the last known address of the non-signing inventors;
(4) proof that a copy of the entire application (specification, claims, drawings, and the oath or declaration) was sent or given to the non-signing inventor for review;
(5) proof that the non-signing inventor refuses to sign the oath or declaration after having been presented with the application papers if the inventor refuses to sign, or proof that diligent efforts have been made to locate the non-signing inventor if he or she cannot be found, and;
(6) a declaration which complies with 37 CFR §1.63.

2 The petition contains a certificate of mailing dated December 28, 2001.

In reply, applicant filed the original petition (and fee) on July 23, 2001. In a decision mailed on November 15, 2001, the original petition was dismissed for failure to submit proof that diligent efforts were made to locate the non-signing inventor.

With the instant petition, a declaration was filed which was executed by the previously non-signing inventor, obviating the need for a petition. As such, this renewed petition is dismissed as moot.

Receipt of the Power of Attorney is acknowledged.

After this decision is mailed, the application will be forwarded to Technology Center 2100 for further processing.

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

for D Wood

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KM:09-01

Paper No. 9

SHELDON R. MYER, ESQ.
FLIESLER DUBB MEYER & LOVEJOY, LLP
FOURTH FLOOR
FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 94111-4156

COPY MAILED

OCT 0 5 2001

OFFICE OF PETITIONS

In re Application of:
Stewart et al.
Application No. 09/785,693
Filed: 16 February, 2001
Attorney Docket No. BEAS-01033US5

DECISION REFUSING STATUS UNDER 37 C.F.R. §1.47(a)

This is in response to the petition under 37 C.F.R. §1.47(a)[1] filed herein on 20 July, 2001.

The petition is **DISMISSED.**

NOTE: 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 C.F.R. §1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §1.47(a)" and may include an oath or declaration executed by the inventor.

Failure to respond will result in abandonment of the application.

---

[1] The regulations at 37 C.F.R. 1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(c) The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

BACKGROUND

The record indicates:

- the application was filed on 16 February, 2001, without an executed oath or declaration;
- accordingly, a Notice to File Missing Parts of Application was mailed on 19 March, 2001, requiring an executed oath or declaration and a surcharge for the late filing;
- a petition, petition fee, a declaration executed by three of the four joint inventors, the surcharge for late filing, and a two month extension of time, were filed on 20 July, 2001 (with a certificate of mailing dated 18 July, 2001);

ANALYSIS

Petitioner has failed to:

- establish that the inventor has been presented with the full application and has refused to sign the declaration (the proof of the pertinent events must be made by a statement of someone with first hand knowledge of the events with support of the registered practitioner prosecuting this matter) or, despite diligent efforts, cannot be reached.

A copy of the application papers must be sent to the last known address of the non-signing inventor with a request that he/she sign the declaration for the patent application. Alternatively, an oath or declaration for the patent application in compliance with 37 C.F.R. §§1.63 and 1.64 must be presented. The declaration must set forth the inventor's residence, citizenship and post office address.

The documents submitted fail to establish that a full application, declaration, and assignment documents have been presented to the non-signing inventor, because it is unclear from Petitioner's statement where the package of documents sent by FedEx was shipped. Petitioner states that the papers were shipped to Mr. Metsaportti's "last known home address", but does not specify what that address is, while the petition later provides the "last known contact information" as an address in Finland. The FedEx

tracking document (Exhibit C) does not state where the package was delivered to.

In order to make the required showing, Petitioner should submit copies of the cover letter sent with the declaration and assignment documents and application papers, to clarify that the entire application, including the specification, claims, and drawings, was sent to the non-signing inventor. Further, documentation that shows the address to which the FedEx package was sent should be provided.

Further, the petition does not establish that diligent efforts were made to by obtain an accurate address, telephone number, or email address, in order to contact the non-signing inventor.

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

By mail:	Commissioner of Patents and Trademarks Box DAC Washington, D.C. 20231
By FAX:	(703) 308-6916 Attn: Office of Petitions
By hand:	Crystal Plaza Four, Suite CP4-3C23 2201 South Clark Place Arlington, VA 22202

Telephone inquiries concerning this matter may be directed to Kathy Matecki at (703) 305-1645.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR
UNITED STATES PATENT AND TRADEMARK
WASHINGTON, D.C.
WWW.

Paper No.11

SHELDON R. MYER, ESQ.
FLIESLER DUBB MEYER & LOVEJOY, LLP
FOURTH FLOOR
FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 94111-4156

COPY MAILED

JUN 17 2002

OFFICE OF PETITIONS

In re Application of:
Stewart et al.
Application No. 09/785,693
Filed: 16 February, 2001
Attorney Docket No. BEAS-01033US5

DECISION REFUSING
STATUS UNDER
37 C.F.R. §1.47(a)

This is in response to the petition under 37 C.F.R. §1.47(a)[1] filed herein on 18 January, 2002, over a 5 December, 2001, certificate of mail to reconsider the dismissal of 5 October, 2001.[2]

The Office regrets the delay in addressing this matter.

The petition under 37 C.F.R. §1.47(a) is **DISMISSED as moot** upon the signing of the oath/declaration by the previously unavailable co-inventor.

This application is forwarded to OIPE for completion of initial processing and then to Technology Center 2600 for examination in due course.

---

[1] The regulations at 37 C.F.R. 1.47 provide:

§ 1.47 Filing when an inventor refuses to sign or cannot be reached.

(a) If a joint inventor refuses to join in an application for patent or cannot be found or reached after diligent effort, the application may be made by the other inventor on behalf of himself or herself and the nonsigning inventor. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, the fee set forth in §1.17(h), and the last known address of the nonsigning inventor. The nonsigning inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(b) Whenever all of the inventors refuse to execute an application for patent, or cannot be found or reached after diligent effort, a person to whom an inventor has assigned or agreed in writing to assign the invention, or who otherwise shows sufficient proprietary interest in the matter justifying such action, may make application for patent on behalf of and as agent for all the inventors. The oath or declaration in such an application must be accompanied by a petition including proof of the pertinent facts, a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, the fee set forth in §1.17(h), and the last known address of all of the inventors. An inventor may subsequently join in the application by filing an oath or declaration complying with §1.63.

(c) The Office will send notice of the filing of the application to all inventors who have not joined in the application at the address(es) provided in the petition under this section, and publish notice of the filing of the application in the *Official Gazette*. The Office may dispense with this notice provision in a continuation or divisional application, if notice regarding the filing of the prior application was given to the nonsigning inventor(s).

[47 Fed. Reg. 41275, Sept. 17, 1982, effective Oct. 1, 1982; 48 Fed. Reg. 2709, Jan. 20, 1983, effective Feb. 27, 1983; revised, 62 Fed. Reg. 53131, Oct. 10, 1997, effective Dec. 1, 1997; revised, 65 Fed. Reg. 54604, Sept. 8, 2000, effective Nov. 7, 2000]

[2] Pursuant to Petitioner's authorization, Deposit Account 06-1325 is charged the $130.00 petition fee.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-9199.

John J. Gillon, Jr.
Senior 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

FEB 10 2005

Barnes &Thornburg
11 South Meridian Street
Indianapolis, IN 46204

Paper No. 17

In re Application of	:	DECISION ON PETITION
W. Gregory Chernoff	:	TO WITHDRAW
Serial No. : 09/785,715	:	HOLDING OF
Filed : February 16, 2001	:	ABANDONMENT
For : Tissue Treatment Method	:	

This is a decision on petitioner's letter filed December 14, 2004, titled "Request to Accept Replacement Copy of the Appeal Brief and to Expedite the Appeal", which letter is being treated as a request to review the holding of abandonment mailed December 14, 2004 for failure to file an Appeal Brief following the filing of a Notice of Appeal on February 10, 2004. There is no fee required for this petition.

In support of the request, petitioner has submitted a copy of an Appeal Brief submitted in triplicate and a copy of a PTO stamped receipt dated April 8, 2004 as evidence of the timely filing of the Appeal Brief.

In view of the above, the Notice of Abandonment mailed December 14, 2004 is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the Appeal Brief filed April 8, 2004 as well as the Request to Confirm Continuity of Present Application 09/785,715 and Parent Application No. 09/173,990 filed December 14, 2004.

Summary: Holding of Abandonment Withdrawn.

Esther M. Kepplinger, Director
Technology Group 3700
Phone: (571) 272-2975

ak/02/04/05

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 20050210

Daniel L. Dawes
Myers, Dawes and Andras, LLP
5252 Kenilworth Drive
Huntington Beach, CA 92649

In re Application of :
Yuichi Murayama et al. :
Application No. 09/785,743 : DECISION
Filed: February 16, 2001 : ON PETITION
Title of Invention: :
BIOABSORBABLE POLYMERIC IMPLANTS :
AND A METHOD OF USING THE SAME TO :
CREATE OCCLUSIONS :
Attorney Docket No. P689a :

This is a decision on the Petition Under 37 CFR 1.84(a)(2), filed July 26, 2004, to grant permission to use color drawings pursuant to Rule 1.84(a)(2) in the above-identified application.

The petition is **granted**.

Applicant filed color drawings in the above-identified application on July 20, 2001. These submitted drawings have been permitted since Applicant has stated that these color drawings are necessary as they are the only practical medium by which to disclose the subject matter sought to be patented in above-identified utility patent application.

With the instant petition, the Petitioner paid the petition fee; submitted three (3) sets of color drawings, and a black and white photocopy that accurately depicts, to the extent possible, the subject matter shown in the color drawing; and amended the specification to insert the proper language as the first paragraph of the brief description of the drawings, as required by 37 CFR 1.84(a)(2)(iv). Accordingly, the petition is granted.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-4791.

Henry Bennett
Supervisory Patent Examiner
Group Art Unit 3743
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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

J. B. KRAFT
710 COLORADO STREET
SUITE 5C
AUSTIN, TX 87701

COPY MAILED

JUN 26 2007

OFFICE OF PETITIONS

In re Application of :
Joshua Dickinson Kraft :
Application No. 09/785,757 : DECISION ON PETITION
Filed: February 20, 2001 :
Attorney Docket No. JDK2000-002 :

This is a decision on the petition under 37 CFR 1.137(b), received June 5, 2007, which, in view of the evidence submitted, is being treated as having been received on December 8, 2006.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. 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 was held abandoned for failure to timely respond to the final Office action of February 13, 2006, which set a three (3) month shortened statutory period for reply. A reply was due on or before May 13, 2006. A Notice of Abandonment was mailed on October 23, 2006.

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).

The instant petition lacks item (1) above. In this regard, the request for continued examination indicates that the submission is the filing of a previous amendment on February 13, 2006. However, the record fails to show receipt of this amendment. Accordingly, before revival of this application can be effected, the submission as required by 37 CFR 1.114 must be submitted.

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 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 renewed petition and submission may also be filed electronically through EFS.

To expedite processing, petitioner may wish to notify the undersigned of the filing of the renewed petition and submission to the outstanding Office action of February 13, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

J. B. KRAFT
710 COLORADO STREET
SUITE 5C
AUSTIN, TX 87701

COPY MAILED

JUL 24 2007

OFFICE OF PETITIONS

In re Application of :
Joshua Dickinson Kraft :
Application No. 09/785,757 : DECISION ON PETITION
Filed: February 20, 2001 :
Attorney Docket No. JDK2000-002 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed June 30, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to timely reply within the meaning of 37 CFR 1.113 to the final Office action mailed February 13, 2006, which set a shortened statutory period for reply of three (3) months. A reply was due on or before May 13, 2006. A Notice of Abandonment was mailed on October 23, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of a request for continued examination, $395 filing fee, and submission as required by 37 CFR 1.114, (2) the petition fee of $750, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the final Office action of February 13, 2006 is accepted as being unintentionally delayed.

This application is being referred to Technology Center AU 3692 for processing the request for continued examination and for appropriate action in the normal course of business on the submission under 37 CFR 1.114 received June 30, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SENNIGER POWERS LEAVITT AND ROEDEL
ONE METROPOLITAN SQUARE
16TH FLOOR
ST. LOUIS, MO 63102

COPY MAILED

DEC 10 2004

OFFICE OF PETITIONS

In re Application :
Belshe, et al. :
Application No. 09/785,764 : PATENT TERM ADJUSTMENT
Filed: February 16, 2001 :
Dkt. No.: SLU 4538 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR 1.705," filed August 16, 2004. This request is being treated under 37 CFR 1.704(b).

The application for patent term adjustment ("PTA") under 37 CFR 1.705(b) is **GRANTED**.

The Office will adjust the PAIR screen to reflect that the Patent Term Adjustment (PTA) determination at the time of mailing of the Notice of Allowance and Issue Fee Due reflects an adjustment of 561 days. A copy of the updated PAIR screen showing the correct determination is enclosed.

Applicants request that the Determination of Patent Term Adjustment be corrected from 0 days as indicated on the Determination of Patent Term Adjustment mailed May 18, 2004 to 561 days.

A review of the application history reveals that an adjustment of 591 days can be attributed to the Office. An initial reduction under 37 CFR 1.702(a)(2) of 561 days can be attributed to the Office. In accordance with 37 CFR 1.703(a)(2), the adjustment began February 4, 2002, the day after the date that is four months from the date a response to a non-final Office action was filed, and ended August 18, 2003, the date the second non-final Office action was mailed. A further adjustment under 37 CFR 1.702(a)(2) of 30 days can be attributed to the Office. The adjustment began April 18, 2004, the day after the date that is four months after a response to the non-final Office action was filed, and ended May 18, 2004, the date the Notice of Allowance was mailed.

The Office errantly entered August 15, 2003 as the date of reply to the non-final rejection mailed July 3, 2001 rather than the correct date of October 3, 2001.

In accordance with 37 CFR 1.704(b), the adjustment of 591 days is reduced 30 days for applicants' failure to engage in reasonable efforts to conclude prosecution. The reduction began November 19, 2003, the day after the date that is three months after the date the second non-final Office action was mailed, and ended December 18, 2003, the date a response to the Office action was filed.

In view thereof, at the time of Notice of Allowance the application is entitled to a patent term adjustment of 561 days as argued by applicants.

The required fee of $200.00 for an application for patent term adjustment has been charged to Deposit Account No. 19-1345 as authorized in the instant petition.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

Enclosure: Copy of Adjustment PAIR Calculation

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SENNIGER POWERS
ONE METROPOLITAN SQUARE
16TH FLOOR
ST. LOUIS, MO 63102

COPY MAILED
FEB 0 2 2006
OFFICE OF PETITIONS

In re Patent No. 6,946,136 :
Issued: September 20, 2005 : LETTER REGARDING PTA AND
Application No. 09/785,764 : CERTIFICATE OF CORRECTION
Filed: February 16, 2001 :
Atty. Dkt. No.: SLU 4538 :

This letter is in response to the "LETTER REGARDING ERROR IN PATENT TERM ADJUSTMENT," filed October 18, 2005. The Office thanks patentees for their good faith and candor in bringing this to our attention.

The above-identified application matured into U.S. Patent No. 6,946,136 on September 20, 2005. The patent issued with a patent term adjustment (PTA) of 993 days. Patentees indicate that the adjustment of 993 days is thought to be longer than appropriate.

A review of the application history reveals that an adjustment of 868 days can be attributed to the Office. In accordance with 37 CFR 1.702(a)(2) and 1.703(a)(2), an adjustment 561 days can be attributed to the Office. In accordance with 37 CFR 1.702(a)(2) and 1.703(a)(2), an adjustment of 30 days can be attributed to the Office. In accordance with 37 CFR 1.702(a)(4) and 1.703(a)(6), an adjustment of 277 day be attributed to the Office.

The adjustment of adjustment of 868 days can be reduced a total of 150 days for patentees' failure to engage in reasonable efforts to conclude prosecution (or processing). In accordance with 37 CFR 1.704(b), the adjustment of 868 days can be reduced 30 days in connection with the amendment submitted August 15, 2003.

The adjustment is further reduced 120 days in accordance with 37 CFR 1.704(c)(10)(ii) in connection with the drawings submitted August 17, 2004.

Accordingly, at the time of issuance, the patent was entitled to an adjustment of 718 days.

As applicants are advising us of a potential error in providing too much patent term adjustment in this application, no fee is due in connection to this matter.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 718 days.

Applicants are given 30 days to file a request for reconsideration of the instant decision. No additional time will be granted under 37 CFR 1.136.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

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

Enclosure: Copy of Adjustment PAIR Calculation

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT	:	6,946,136 B2
DATED	:	September 20, 2005
INVENTOR(S)	:	Belshe, et al.

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 993 days

Delete the phrase "by 993 days" and insert – by 718 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

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

COPY MAILED

MAY 3 1 2005

OFFICE OF PETITIONS

WOODCOCK WASHBURN
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA PA 19103

In re Application of :
George V. Guittard et al :
Application No. 09/785,805 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. ARC 2366N1 :

This is a decision on the petition under 37 CFR 1.314, filed April 11, 2005, to defer issuance of the patent for one month.

The petition is GRANTED.

Since the requested deferral period pursuant to MPEP 1306.01 has now passed, the application will be referred to Technology Center AU 1616 to consider the petition under 37 CFR 1.48(a), filed May 5, 2005.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 8

APPLIED MATERIALS, INC.
2881 SCOTT BLVD., M/S 2061
SANTA CLARA, CA 95050

COPY MAILED

JUL 1 1 2003

OFFICE OF PETITIONS

In re Application of :
Yeuk-Fai Edwin Mok et al :
Application No. 09/785,815 : DECISION ON PETITION
Filed: February 16, 2001 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. :
4969/USA/ISM/COPPER/SB

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 30, 2003, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional applications set forth in the amendment filed concurrently with the instant petition.

The petition is **GRANTED**.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after the expiration of the period specified in 37 CFR 1.78(a)(2)(ii). In addition, the petition 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;[1]
> **(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 Commissioner may require additional information where there is a question whether the delay was unintentional.

---

[1] Any nonprovisional application or international application designating the United States of America claiming the benefit of one or more prior-filed copending applications or international applications designating the United States of America must contain or be amended to contain a reference (amendment to the first line of the specification following the title or in an application data sheet (ADS) to each such prior-filed application, identifying it by application number (consisting of the series code and serial number) or international application number and international filing date filing date and indicating the relationship of the applications. Cross references to other related applications may be made when appropriate (*see* § 1.14).

The instant pending application was filed on February 16, 2001, and was pending at the time of filing of the instant petition. A reference to the prior-filed nonprovisional applications has been included in an amendment to the first sentence of the specification following the title, as required by 37 CFR 1.78(a)(2)(iii).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional applications is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed nonprovisional applications was submitted during the pendency of the instant nonprovisional application, for which the claim for benefit of priority is sought. *See* 35 U.S.C. § 120. Accordingly, having found that the instant petition for acceptance of an unintentionally delayed claim for the benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications satisfies the conditions of 37 CFR 1.78(a)(3), the petition is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR 1.78(a)(3) should not be construed as meaning that the instant application is entitled to the benefit of the prior-filed applications. In order for the instant application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (a)(2) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed applications should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed applications 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 nonprovisional applications, accompanies this decision on petition.

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.

Any inquiries concerning this decision may be directed to Karen Creasy at (703) 305-8859.

This application is being forwarded to Technology Center Art Unit 1763 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional applications.

Frances Hicks

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

ATTACHMENT: Corrected Filing Receipt

cc:
MOSER, PATTERSON & SHERIDAN, L.L.P.
3040 POST OAK BLVD., SUITE 1500
HOUSTON TX 77056

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

SHELDON R. MEYER, ESQ.
FLIESLER DUBB MEYER & LOVEJOY LLP
FOURTH FLOOR
FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 94111

COPY MAILED

JAN 2 8 2002

OFFICE OF PETITIONS

In re Application of :
Rocky Stemart et at. :
Application No. 09/785,862 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. :

This is in response to the petition under 37 CFR 1.47(a), filed July 16, 2001.

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).

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.

By declaration of attorney Karl Kenna, applicants set forth the facts relied on to conclude that inventor Metsaportti refuses to join in the application. Attorney Kenna detailed unsuccessful attempts to contact inventor Metsaportti by email and telephone, as well as, delivery of the application papers to inventor Metsaportti's last known address via Federal Express on April 30,

2001. In support of the petition, applicant submitted a copy of the FedEx email conformation of delivery.

These facts have been considered but not found adequate to show that inventor Metsaportti refuses to join in the application. Applicant has not distinguished whether inventor Metsaportti's nonresponsiveness is due to a refusal on his part to join in the application or whether applicant has simply not been reached to respond. Applicant received no response to emails. The telephone number at which applicant was attempting to contact the inventor proved to be invalid. The application papers were not signed for by inventor Metsaportti, but by a "Irene Summanen." Thus, it cannot be concluded that the application papers were presented to inventor Metsaportti, and by his conduct, he has refused to join in the application.

Before a refusal can be alleged, applicants must demonstrate that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See Manual of Patent Examining Procedure, Section 409.03(d). It is likely from the evidence submitted that the address to which applicant sent the application papers, like the telephone number obtained from BEA Systems, Inc., was at the time invalid. Further efforts to locate inventor Metsaportti and to present the application papers to him at a valid address (or establish that the address to which the papers were delivered is valid) are warranted. If diligent efforts to obtain a forwarding address or to locate the non-signing inventor by other means such as through the telephone, or the Internet continue to fail, then applicant will have provided the necessary proof required under 37CFR 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. Applicant should submit documentary evidence such as the results of a telephone directory or an Internet search. However, if the non-signing inventor is located at another address, a copy of the application papers should be sent to him at the address, or, if it is determined that the inventor is represented by counsel, to the address of the non-signing inventor's attorney. Documentary evidence, including copies of the transmittal cover letters and return mail receipts, should be made part of the record.

Moreover, clarification is required regarding the declaration filed July 16, 2001, and citizenship listed thereon of inventor Metsaportti. In the email communications to inventor Metsaportti dated April 17 and 24th, 2001 (Exhibits A & B) respectively, attorney for applicant, through his assistant, communicates that we do not have the citizenship of inventor Metsaportti. In his declaration, attorney Kenna states that he received no response to these emails. No other evidence of record establishes how this information was obtained.

In order to expedite consideration of the petition under 37 CFR 1.47(a), petitioner may wish to submit the renewed petition by facsimile transmission to the telephone number indicated below and to the attention of Irvin Dingle.

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 22202

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

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

RECEIVED
FEB 0 4 2002
FLIESLER DUBB
MEYER & LOVEJOY

Paper No. 7

FAX RECEIVED
FEB - 6 2002
PETITIONS OFFICE

SHELDON R. MEYER, ESQ.
FLIESLER DUBB MEYER & LOVEJOY LLP
FOURTH FLOOR
FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 94111

COPY MAILED
JAN 2 8 2002
OFFICE OF PETITIONS

In re Application of :
Rocky Stemart et at. :
Application No. 09/785,862 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. :

Fliesler Dubb, Meyer & Lovejoy
File: BEAS-01033456
Action Item: Response (2 mo.
Date Due: March 28, 2002
Critical Date: July 28, 2002
Attorney Path: SRM/KFK/JDL
Docketed By: mpr
Verified By: [illegible]
Remark

This is in response to the petition under 37 CFR 1.47(a), filed July 16, 2001.

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).

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.

By declaration of attorney Karl Kenna, applicants set forth the facts relied on to conclude that inventor Metsaportti refuses to join in the application. Attorney Kenna detailed unsuccessful attempts to contact inventor Metsaportti by email and telephone, as well as, delivery of the application papers to inventor Metsaportti's last known address via Federal Express on April 30,

2001. In support of the petition, applicant submitted a copy of the FedEx email conformation of delivery.

These facts have been considered but not found adequate to show that inventor Metsaportti refuses to join in the application. Applicant has not distinguished whether inventor Metsaportti's nonresponsiveness is due to a refusal on his part to join in the application or whether applicant has simply not been reached to respond. Applicant received no response to emails. The telephone number at which applicant was attempting to contact the inventor proved to be invalid. The application papers were not signed for by inventor Metsaportti, but by a "Irene Summanen." Thus, it cannot be concluded that the application papers were presented to inventor Metsaportti, and by his conduct, he has refused to join in the application.

Before a refusal can be alleged, applicants must demonstrate that a bona fide attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See Manual of Patent Examining Procedure, Section 409.03(d). It is likely from the evidence submitted that the address to which applicant sent the application papers, like the telephone number obtained from BEA Systems, Inc., was at the time invalid. Further efforts to locate inventor Metsaportti and to present the application papers to him at a valid address (or establish that the address to which the papers were delivered is valid) are warranted. If diligent efforts to obtain a forwarding address or to locate the non-signing inventor by other means such as through the telephone, or the Internet continue to fail, then applicant will have provided the necessary proof required under 37CFR 1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. Applicant should submit documentary evidence such as the results of a telephone directory or an Internet search. However, if the non-signing inventor is located at another address, a copy of the application papers should be sent to him at the address, or, if it is determined that the inventor is represented by counsel, to the address of the non-signing inventor's attorney. Documentary evidence, including copies of the transmittal cover letters and return mail receipts, should be made part of the record.

Moreover, clarification is required regarding the declaration filed July 16, 2001, and citizenship listed thereon of inventor Metsaportti. In the email communications to inventor Metsaportti dated April 17 and 24th, 2001 (Exhibits A & B) respectively, attorney for applicant, through his assistant, communicates that we do not have the citizenship of inventor Metsaportti. In his declaration, attorney Kenna states that he received no response to these emails. No other evidence of record establishes how this information was obtained.

In order to expedite consideration of the petition under 37 CFR 1.47(a), petitioner may wish to submit the renewed petition by facsimile transmission to the telephone number indicated below and to the attention of Irvin Dingle.

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 22202

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

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. 9

SHELDON R. MEYER, ESQ.
FLIESLER DUBB MEYER & LOVEJOY LLP
FOURTH FLOOR
FOUR EMBARCADERO CENTER
SAN FRANCISCO, CA 94111

COPY MAILED

FEB 12 2002

OFFICE OF PETITIONS

In re Application of :
Rocky Stewart et al. :
Application No. 09/785,862 :
Filed: February 16, 2001 : DECISION NOTING JOINDER OF
For: WORKFLOW INTEGRATION : INVENTOR AND PETITION UNDER
SYSTEM FOR ENTERPRISE WIDE : 37 CFR 1.47(a) MOOT
ELECTRONIC COLLABORATION

Papers filed on February 6, 2002 in response to a "Decision Refusing Status Under 37 CFR 1.47(a)," mailed January 28, 2002, included a Declaration signed by previously nonsigning inventor Timo Metsaportti 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 Technology Center 2100.

Inquiries related to this decision may be addressed to Irvin Dingle at (703) 306-5684.

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

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

COPY MAILED

OCT 3 0 2001

OFFICE OF PETITIONS

In re Application of
Nabkel, Siegel-Jacobs, Benson, Youngs, Gillespie, Maize and Hardison
Application No. 09/785,863
Filed: February 16, 2001
Attorney Docket No. 020366-06690
For: METHOD AND SYSTEM FOR PROVIDING PRESELECTED INFORMATION SERVICES UPON DETECTION OF AN OFF-HOOK CONDITION

DECISION GRANTING PETITION UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed September 19, 2001 (certificate of mailing September 12, 2001).

The petition is **granted**.

Petitioner has shown that the non-signing inventor was mailed the application papers, including the specification, claims and drawings at his last known address; however, he could not be located.

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

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina T. Tartera

Christina T. Tartera
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Edward A. Youngs
4791 Franklin Drive
Boulder, CO 80301

In re Application of
Nabkel, Siegel-Jacobs, Benson, Youngs, Gillespie, Maize and Hardison
Application No. 09/785,863
Filed: February 16, 2001
Attorney Docket No. 020366-06690
For: METHOD AND SYSTEM FOR PROVIDING PRESELECTED INFORMATION SERVICES UPON DETECTION OF AN OFF-HOOK CONDITION

DECISION GRANTING PETITION UNDER 37 CFR 1.47(a)

COPY MAILED

OCT 3 0 2001

OFFICE OF PETITIONS

Mr. Youngs:

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 Petitions Attorney Christina T. Tartera at (703) 306-5589. 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).

Christina T. Tartera

Christina T. Tartera
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

The Procter and Gamble Company
Intellectual Property Division
Winton Hill Technical Center – Box 161
6110 Center Hill Avenue
Cincinnati, OH 45224

COPY MAILED

NOV 2 9 2004

OFFICE OF PETITIONS

In re Application of :
Keith H. Baker, et al. :
Application No. 09/785,876 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. 8427 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 9, 2004, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

The application file is being referred to the Publishing Division to be processed into a patent.

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

H-A

Sect 8

OIPE JC47
JUN 0 4 2001
PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

de Baar et al.

Serial No.: 09/785,881

Filed: February 16, 2001

For: REDUCING BACKGROUND IN HYBRIDIZATION REACTIONS

Examiner: To be assigned

Group Art Unit: 1645

Attorney Docket No.: 4760US

CERTIFICATE OF MAILING

I hereby certify that this paper or fee along with any attachments referred to or identified as being attached or enclosed is being deposited with the United States Postal Service as First Class Mail (under 37 C.F.R. § 1.8(a)) on the date of deposit shown below with sufficient postage and in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

5-30-2001 Lynette Eliason
Date of Deposit — Signature of registered practitioner or other person having reasonable basis to expect mailing to occur on date of deposit shown pursuant to 37 C.F.R. § 1.8(a)(1)(ii)

Lynette Eliason
Typed/printed name of person whose signature is contained above

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

Attention: Box Missing Parts
Commissioner for Patents
Washington, D.C. 20231

Sir:

In connection with the above-referenced patent application, enclosed is a copy of the Notice to File Missing Parts of Nonprovisional Application, and Check No. 16537 in the amount of $65.00 for the surcharge, along with a Declaration and Power of Attorney Patent Application. These are being filed within two (2) months from the mailing date of the Notice to File Missing Parts of Nonprovisional Application.

If the amount of the check is insufficient, please debit Deposit Account No. 20-1469 for the remainder of the fee. If the amount is in excess of that required, please credit that deposit account.

Respectfully submitted,

Allen C. Turner
Registration No. 33,041
Attorney for Applicants
TRASK BRITT
P. O. Box 2550
Salt Lake City, Utah 84110-2550
Telephone: (801) 532-1922

Date: May 30, 2001

ACT/le

Enclosures: Copy of Notice To File Missing Parts of Nonprovisional Application
Check No. 16537 in the amount of $65.00
Declaration

OIPE JC47 JUN 0 4 2001 PATENT & TRADEMARK OFFICE

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/785,881	02/16/2001	Marinus P. de Baar	4760US

CONFIRMATION NO. 4204

24247
TRASK BRITT
P.O. BOX 2550
SALT LAKE CITY, UT 84110

FORMALITIES LETTER

OC000000005921796

Date Mailed: 03/30/2001

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.
- 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.

06/05/2001 MDAMTE1 00000023 09785881

01 FC:205 65.00 OP

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

UNITED STATES 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

Marina Portnova
Blakely, Sokoloff, Taylor and Zafman, LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025

COPY MAILED

JUL 3 0 2003

OFFICE OF PETITIONS

In re Application of :
Eugene Lapidous :
Application No. 09/785,967 : DECISION GRANTING PETITION
Filed: February 16,2001 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 5383.P001 :

This is a decision on the petition, filed June 30, 2003, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application for failure to timely notify the U.S. Patent and Trademark (USPTO) of the filing of an application in a foreign country, or under a multinational treaty that requires publication of applications eighteen months after filing. *See* 37 CFR 1.137(f).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on December 16, 2001. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the subject application in an eighteen-month publication country.

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) for failure to timely notify the Office of the filing of an application in a foreign country or under a multilateral international agreement that requires publication of applications 18 months after filing.

A petition to revive an application abandoned pursuant to 35 U.S.C. 122(b)(2)(B)(iii) for failure to notify the USPTO of a foreign filing must be accompanied by:

(1) the required reply which is met by the notification of such filing in a foreign country or under a multinational treaty;
(2) the petition fee as set forth in 37 CFR 1.17(m); and
(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 instant petition has been found to be in compliance with 37 CFR 1.137(b). Accordingly, the failure to timely notify the USPTO of a foreign or international filing within 45 days after the date of filing of such foreign or international application as provided by 35 U.S.C. § 122(b)(2)(B)(iii) and 37 CFR 1.213(c) is accepted as having been unintentionally delayed.

The previous Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of November 6, 2003 accompanies this decision on petition.

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

This application is being forwarded to Technology Center Art Unit 2171 for examination in due course.

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

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Marina Portnova
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
7th Floor
12400 Wilshire Boulevard
Los Angeles CA 90025

COPY MAILED

MAY 10 2006

OFFICE OF PETITIONS

In re Application of :
Eugene Lapidous :
Application No. 09/785,967 : DECISION ON PETITION
Filed: February 16, 2001 : TO WITHDRAW
Attorney Docket No. 5383.P001 : 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 October 13, 2005.

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 request cannot be approved because there remains less than 30 (thirty days) between the date of this decision and the maximum extendable time period for filing a response to the Office action mailed on November 16, 2005.

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 Sherry D. Brinkley at 571-272- 3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

Conferee: Amelia Au

UNITED STATES PATENT AND TRADEMARK OFFICE

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

EUGENE LAPIDOUS
P.O. BOX 2008
SARATOGA, CA 95070

COPY MAILED

NOV 07 2007

OFFICE OF PETITIONS

In re Application of :
Eugene LAPIDOUS :
Application No. 09/785,967 : DECISION ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed March 10, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, November 16, 2005, 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 February 17, 2006.

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 $750; and (3) an adequate statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at (571) 272-6735.

This application is being referred to Technology Center AU 2154 for appropriate action by the Examiner in the normal course of business on the reply received March 10, 2007.

April Wise
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/785,967	02/16/2001	Eugene Lapidous	5383.P001

CONFIRMATION NO. 1775

POWER OF ATTORNEY NOTICE

Marina Portnova
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
7th Floor
12400 Wilshire Boulevard
Los Angeles, CA 90025

Date Mailed: 11/01/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 04/10/2007.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

/dcgoodwyn/

Office of Initial Patent Examination (571) 272-4000 or 1-800-PTO-9199

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARINA PORTNOVA
BLAKELY, SOKOLOFF, TAYLOR
ZAFMAN, LLP
12400 WILSHIRE BLVD.
SEVENTH FLOOR
LOS ANGELES, CA 90025-1026

COPY MAILED

NOV 0 7 2007

OFFICE OF PETITIONS

In re Application of :
Eugene LAPIDOUS :
Application No. 09/785,967 : DECISION ON PETITION
Filed: February 16, 2001 : TO WITHDRAW
Attorney Docket No. 005383.P001 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed April 10, 2007.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Marina Portnova on behalf of all attorneys/agents of record.

All attorneys/agents of record have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence has been changed and the new correspondence address is the address indicated below.

There are no outstanding Office actions at the present time.

Telephone inquiries concerning this decision should be directed to Diane Goodwyn at 571-272-6735.

April Wise
Petitions Examiner
Office of Petitions

cc: EUGENE LAPIDOUS
VIEWSPACE TECHNOLOGIES, INC.
P.O. BOX 2008
SARATOGA, CA 95070

UNITED STATES 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

Jeffrey C. Maynard
325 Creswell Road
Severna Park, MD 21146

COPY MAILED

OCT 3 1 2003

OFFICE OF PETITIONS

In re Application of :
Vadim V. Mikhaylenko et al. :
Application No. 09/786,000 : ON PETITION
Filed: February 15, 2001 :
Attorney Docket No. MIK.0102 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 14, 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 October 30, 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 January 31, 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.

The application file is being forwarded to Technology Center AU 3635.

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

cc: Jeffrey C. Maynard
154 Barbara Road
Severna Park, MD 21146

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARRIET M. STRIMPEL
NEW ENGLAND BIOLABS, INC.
240 COUNTY ROAD
IPSWICH, MA 01938-2723

COPY MAILED

DEC 0 1 2005

OFFICE OF PETITIONS

In re Application of

Xu, et al.

Application No. 09/786,009

Filed: April 17, 2001

Attorney Docket No. NEB-150PUS

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181 to withdraw the holding of abandonment filed November 21, 2005.

The petition is **GRANTED**.

A review of the application file reveals that the application was held abandoned for a failure to respond to a "Notice Regarding Drawings" mailed March 28, 2005. The notice allowed a non-extendable period for reply of two-months from its mailing date. No response to this notice was believed to have been received within the allowable period, and the application was held abandoned on May 29, 2005. It is noted, however, that the "Notice Regarding Drawings" mailed March 28, 2005, was improperly attributed to the subject application file. In fact, the "Notice Regarding Drawings" mailed March 28, 2005, indicated that it was for application 09/178,009 filed October 23, 1998 with "Paul Sheppard" as the first named inventor. It is further noted that application 09/178,009 is in no way connected to the subject application. It is, therefore, concluded that the abandonment of the subject application was improper as the abandonment was predicated on a notice that was improperly attributed to the subject application.

It is noted that a "Notice Regarding Drawings" was properly attributable to the subject application was mailed on August 3, 2005, and allowed a period for response of two months from its mailing date. A response to this notice was received on September 15, 2005.

Based on the aforementioned, the holding of abandonment imposed on the subject application is **withdrawn.** The petition fee of $400.00 will be refunded, in due course.

Notification was sent to the appropriate office to remove the "Notice Regarding Drawings" mailed March 28, 2005, from the subject application file.

The application file is being forwarded to the Office of Patent Publication for further processing.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

- 2 2006

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20061102

DATE : **2 November 2006**

TO SPE OF : **ART UNIT 1652**

SUBJECT : **Request for Certificate of Correction for Appl. No.: 09/786,009 Patent No.: 7,001,745**

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
703-308-9390 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: _____

_____

_____

_____

_____

SPE **Art Unit** 1652

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

Charles B. Elderkin
ALSTON & BIRD LLP
Bank of America Plaza
101 South Tryon Street, Suite 4000
Charlotte, NC 28280-4000

In re:	Achs et al	:	DECISION ON REQUEST
Serial No.:	09/786,027	:	UNDER 37 CFR 5.25
Filing date:	February 28, 2001		
Docket No:	38827/205276		

Title: **ENERGY GUIDE CHAIN FOR GUIDING LINES COMPRISING CHAIN LINKS WHICH CAN MOVE IN THREE DIMENSIONS**

This is a decision on the petition filed on June 11, 2001 for retroactive foreign filing license.

37 CFR 5.25(a).requires the following:

1. A listing of each of the foreign countries in which the unlicensed patent application material was filed,
2. The dates on which the material was filed in each country,
3. A verified statement (oath or declaration) containing:
   i. An averment that the subject matter in question was not under a secrecy order at the time it was filed abroad, and that it is not currently under a secrecy order,
   ii. A showing that the license has been diligently sought after discovery of the proscribed foreign filing, and
   iii. An explanation of why the material was filed abroad through error and without deceptive intent without the required license under § 5.11 first having been obtained, and
4. The required fee (§ 1.17(h)).

The petition is denied at this time since the requirements of 37 CFR 5.25(a)(3)(iii) have not been fully met. Although it is acknowledged that inventor and petitioner Achs may not have known of the requirements of filing an application abroad prior to acquiring a foreign filing license, it does not suffice since the requirements of 37 CFR 5.25 are directed to those who had knowledge and made the actual decision to file the application abroad. In the instant case, those person(s) are the German counsel. Therefore, to fulfill the requirements of 37 CFR 5.25, a verified statement(s) by the German counsel is required. The statements should reference the error and further be

directed to the circumstances surrounding the proscribed filing, including discovery of the proscribed filing.

Accordingly, the provisions of 37 CFR 5.25 not having been fully met, the petition is denied, and in the absence of any response within **60 days** of the mailing date of this letter, such denial will be made final and the final action under 35 U.S.C. 185 will be taken. Extensions of time may be had under 37 C.F.R. 1.136(a).

Ian J. Lobo
Patent Examiner
(571) 272-6974

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20080212

DATE : February 12, 2008

TO SPE OF : ART UNIT 1797

SUBJECT : Request for Certificate of Correction on Patent No.: 6828155

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~~ ST9A22
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: /Jill A. Warden/ **Art Unit** 1797

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DW Dec-05

JOSEPH TAFFY
THE PROCTOR & GAMBLE COMPANY
MIAMI VALLEY LABORATORIES
P.O. BOX 538707
CINCINNATI OH 45253-8707

COPY MAILED

DEC 13 2005

OFFICE OF PETITIONS

In re Application of :
Connor et al. : ON PETITION
Application No. 09/786,078 :
Filed: 28 February, 2001 :
Atty Docket No. 7262/MH :

This is a decision on the petition filed on 7 December, 2005, under 37 CFR 1.137(a), which is treated as a petition to withdraw the holding of abandonment.

The petition is **GRANTED**.

The application became abandoned on 20 October, 2004, for failure to timely file the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on 19 July, 2004, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 13 December, 2004.

Petitioners assert that the Notice mailed on 19 October, 2004, was never received.

A review of the record reveals that on 9 July, 2001, a paper entitled "Request For Correction of Filing Receipt" was filed, signed by attorney of record Richard S. Echler, indicating that the correspondence address on the filing receipt was incorrect and requesting that the correspondence address be changed. However, the requested change of correspondence was not entered. As the paper filed on 9 July, 2001, meets the requirements of MPEP 601.03 for a change of correspondence address, it is concluded that the Notice of Allowance mailed on 19 July, 2004,

was never received because it was not mailed to the correct address.

In accordance with the above finding, the holding of abandonment is withdrawn, and the Notice of Abandonment mailed on 13 December, 2004, is vacated.

Receipt of the issue fee is acknowledged. As the petition was necessitated by an Office error, the petition fee will be credited to counsel's deposit account, No. 16-2480.

The application is being referred to the Publishing Division 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

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

JOSEPH TAFFY
THE PROCTOR & GAMBLE COMPANY
MIAMI VALLEY LABORATORIES
P.O. BOX 538707
CINCINNATI OH 45253-8707

COPY MAILED

APR 17 2007

OFFICE OF PETITIONS

In re Application of
Daniel S. **CONNOR et al.**
Application No. 09/786,078
Filed: February 28, 2001
Attorney Docket No. 7262/MH

DECISION DISMISSING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 10, 2007, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED AS MOOT**.

Petitioner's attention is directed to 37 CFR 1.313(d), which states:

> A petition under this section will not be effective to withdraw the application from issue unless it is actually received and granted by the appropriate officials **before the date of issue**. (Emphasis added)

In this case, the petition was not received in the Office of Petitions for consideration until April 10, 2007 the date the application issued into Patent No. 7,202, 205. Therefore, the petition to withdraw from issue cannot be granted.

The request for continued examination (RCE) filed concurrently with the petition is improper in view of the issuance of this application into a patent and will not be processed.

The Information Disclosure Statement has been made of record in the file of the above-identified application without further consideration. *See* 37 CFR 1.97(i).

Petitioner is advised, that while petitions to withdraw from issue may be mailed to the Commissioner for Patents, as was done in this case, applicants were cautioned to hand carry or fax petitions to withdraw from issue directly to the Office of Petitions. *See* MPEP § 1308.

Telephone inquiries should be directed to Monica A. Graves at (571) 272-7253.

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.

FISH & RICHARDSON
225 FRANKLIN STREET
BOSTON MA 02110-2804

COPY MAILED

SEP 2 1 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Alexandra Debray et al :
Application No. 09/786,086 :
Filed: May 31, 2001 :
Attorney Docket No. 12406-008001 :

This is a decision on the petition, filed September 17, 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 10, 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.

After receipt of the file in the Office of Petitions, the application will be forwarded to Technology Center AU 2879 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).

JUL 26 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Stephen A. Becker
McDermott, Will & Emery
600 13th Street, N.W.
Washington, DC 20005-3096

In re Application of	:	
TAMURA	:	
Application No.: 09/786,157	:	DECISION ON PETITION
PCT No.: PCT/JP00/04196	:	
Int. Filing Date: 26 June 2000	:	UNDER 37 CFR 1.181
Priority Date: 15 July 1999	:	
Attorney Docket No.: 50070-063	:	
For: KEYLESS ENTRY SYSTEM	:	

This is a decision on applicant's "Request For Withdrawal of Notification of Abandonment" filed in the United States Patent and Trademark Office (USPTO) on 30 April 2001.

BACKGROUND

On 26 June 2000, applicant filed international application PCT/JP00/04196, which claimed priority of an earlier application filed 30 October 1994. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 25 January 2001. A Demand for international preliminary examination, in which the United States was elected was not filed prior to the expiration of nineteen months from the priority date. Accordingly, the twenty-month period for paying the basic national fee in the United States expired at midnight on 15 March 2001.

On 01 March 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia:* authorization to charge Deposit Account No.: 50-0417 the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an English translation of the international application as required by 35 U.S.C. 371 (c)(2); an executed combined declaration and power of attorney as required by 35 U.S.C. 371 (c)(4); an information disclosure statement; an assignment document for recording; a first preliminary amendment and an international search report.

On 28 March 2001, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) informing applicant that applicant had failed to provide the full U.S. basic national fee by 20 months from the priority date because of insufficient funds in the Deposit Account and that above-identified application was abandoned as to the United States.

On 30 April 2001, applicant responded with the present request accompanied by copies of

a copy of the Monthly Statement of Deposit Account 50-0417 for March 2001 and a copy of the Deposit Account Statement printed from the USPTO web site for March 2001.

DISCUSSION

A review of USPTO finance records confirms that Deposit Account 50-0417 contained sufficient funds on 01-05 March 2001 for payment of the basic national fee in the present application. Therefore, it is appropriate to grant applicant's request for withdrawal of the notification of abandonment. Further, a review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States have been satisfied.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED.**

The NOTIFICATION OF ABANDONMENT mailed on 28 March 2001 is hereby **VACATED**.

The application has an international filing date of **26 June 2000** under 35 U.S.C. 363 and a date of **01 March 2001** under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Boris Milef
Legal Examiner
PCT Legal Office

Derek A. Putonen
Petitions Attorney
PCT Legal Office
Tel: (703) 305-0130
Fax: (703) 308-6459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 7/15/2005

TO SPE OF : ART UNIT 3700(3721)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,886,310

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.

Title change okay?

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:

LOUIS K. HUYNH
PRIMARY EXAMINER

Louis K. Huynh
SPE for RADA RINALDI

3721
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

STROOCK & STROOCK & LAVAN LLP
180 MAIDEN LANE
NEW YORK, NY 10038

COPY MAILED

MAR 0 6 2009

OFFICE OF PETITIONS

In re Application of :
Keiichi **NAKAJIMA** :
Application No. 09/786,208 : DECISION GRANTING PETITION
Filed: May 8, 2001 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **000790/0002** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 5, 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 September 29, 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) 272-7253.

This application 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.

/Monica A. Graves/
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

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

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DRIVE
32ND FLOOR
CHICAGO, IL 60606

COPY MAILED
NOV 13 2006
OFFICE OF PETITIONS

In re Application of	:	
Rowe et al.	:	
Application No. 09/786,253	:	DECISION ON APPLICATION
Filed: August 15, 2001	:	FOR PATENT TERM ADJUSTMENT
Attorney Docket Number:	:	
01-179	:	

This is in response to the "REQUEST FOR RECALCULATION OF PATENT TERM ADJUSTMENT," filed April 7, 2006. Patentee requests that the patent term adjustment under 35 U.S.C. 154(b) set forth in the Issue Notification and on the cover of the above-identified patent be corrected from three hundred twenty-one (321) days to four hundred forty-one (441) days.

The request for reconsideration of patent term adjustment is **DISMISSED**.

Patentee is given two (2) months to respond to this decision. No extensions of time will be granted under 37 C.F.R. § 1.136(a).

On March 14, 2006, the above-identified application matured into U.S. Patent No. 7,011,826. The instant request for reconsideration, filed April 7, 2006 (Certificate of Mailing April 3, 2006), was timely filed within two (2) months of the date the patent issued. See § 1.705(d).

Patentee asserts that the paper filed November 14, 2005 was not an amendment under 37 CFR 1.312, but rather a letter regarding patent term adjustment filed pursuant to their duty of good faith and candor to the Office. As such, patentee maintains that, pursuant to 37 CFR § 1.705(e), the reduction of 120 days is improper.

§ 1.704(e) provides that:

> Submission of an application for patent term adjustment under § 1.705(b) (with or without request under § 1.705(c) for reinstatement of reduced patent term adjustment) will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraph (c)(10) of this section.

However, as stated in MPEP 2732,

Due to the time constraints on the Office under 35 U.S.C. 154(b)(1)(A)(iv) and (B) to complete its patent term adjustment determination and issue the patent, the Office must require applicants to follow the specific procedure set forth in 37 CFR 1.705 for requesting reconsideration of the Office's initial patent term adjustment determination and for requesting reinstatement of patent term adjustment reduced under 37 CFR 1.704(b). Thus, while submission of an application for patent term adjustment under 37 CFR 1.705(b) (regardless of whether it contains a request under 37 CFR 1.705(c) for reinstatement of reduced patent term adjustment) will interfere with the patent printing process, submission of the application will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under 37 CFR 1.704(c)(10). Other papers concerning patent term adjustment (e.g., status letters, untimely applications for patent term adjustment, requests for reconsideration of the Office's decisions on applications for patent term adjustment, petitions under 37 CFR 1.181, 1.182, or 1.183 concerning patent term adjustment, or miscellaneous letters concerning patent term adjustment), however, will be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under 37 CFR 1.704(c)(10).

A review of the record confirms that the paper filed November 14, 2005 is more properly characterized as a miscellaneous letter concerning patent term adjustment than as a letter regarding patent term adjustment pursuant to Comment 43 of the final rule. In their letter, applicants advise the Office of their agreement with the calculation of patent term adjustment and note that a terminal disclaimer was filed in the application (prior to the mailing of the notice of allowance and not under any circumstances that would warrant reduction of the patent term).

It is unnecessary for applicants to interfere with the patent printing process to advise the Office of their agreement with the patent term adjustment. Applicants should simply allow the patent to issue with the agreed patent term adjustment.

Likewise, it is unnecessary for applicants to interfere with the patent printing process to simply advise the Office that a terminal disclaimer was filed. The provisions of § 154(b), for adjustment due to examination delay, apply to original applications1, other than designs, filed on or after May 29, 2000. The Office calculates patent term adjustment for examination delay in all eligible applications. In calculating the patent term adjustment, the Office does not differentiate between applications that have terminal disclaimers and those that do not. Nor does the Office undertake the burdensome task of reviewing every application with a terminal disclaimer to determine if the patent term adjustment accorded would adjust the term beyond the expiration date specified in the disclaimer.

Rather, on issuance of the application, in compliance with 35 U.S.C. 154(b) and 37 CFR § 1.703(g), it is indicated in the patent that the patent term adjustment indicated therein is subject to any disclaimer. Moreover, it is also stated therein that the patent is subject to a terminal disclaimer.

Therefore, the Patent Term Adjustment was correctly reduced for the filing of this miscellaneous letter after the mailing of the notice of allowance.

In view thereof, the patent properly issued with a revised patent term adjustment of three hundred twenty-one (321) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Telephone inquiries specific to this matter should be directed to Attorney Derek L. Woods at (571) 272-3232.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

OIPE JC87 APR 30 2001 PATENT & TRADEMARK OFFICE

JC09 Rec'd PCT/PTO 30 APR 2001

PCT section

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C., 20231, on:

Date: 4/25/01 By: Deborah Brockmeyer

Docket No. 5525-0038.10 PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF:

Sydney Brenner

SERIAL NO.: 09/786,254

FILED: 31 August 1999

FOR: **METHOD OF SCREENING FOR GENETIC POLYMORPHISM**

EXAMINER: Unknown

ART UNIT: unknown

Response to Notice to File Missing Parts of Application

Box Missing Parts
Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

1. In response to the Notice to File Missing Parts mailed 03 April 2001 (copy enclosed), applicant submits the following:

   ☒ An Executed Declaration of Inventorship

   ☒ A Power of Attorney by Assignee

   ☒ a **copy** of an assignment recordation cover sheet **for informational purposes only** (Form PTOL-1595) for assignment being filed separately.

2. Conditional Petition for Extension of Time

   Applicant petitions for an Extension of Time if necessary for timely filing of this Response.

3. Fee Payment

☐ Applicant claims small entity status. See 37 CFR §1.27

☒ Enclosed is a check for $80 in additional claim fees.

☒ Please charge any underpayment for timely filing of this Response to Deposit Account No. 04-0531.

Respectfully submitted,

Date: 4-25-01

LeeAnn Gorthey
Registration No. 37,337

Correspondence Address:
Customer No. 22918
Phone: (650) 324-0880

05/10/2001 MNGUYEN 00000056 09786254
01 FC:964 80.00 OP

0 7 MAR 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

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

GLENN PATENT GROUP
3475 Edison Way
Suite L
Menlo Park, CA 94025

In re Application of:
MUELLER, Rudolf, et al.
U.S. Application No.: 09/786,294
Attorney's Docket No.: SCHO0050
For: INTERIOR TEXTURED COATING REMOVER COMPOSITION

DECISION

This decision is issued in response to applicants' "Petition Under Rule 182" filed 26 August 2002 and the "Request For A Corrected Filing Receipt" filed 23 April 2002. Deposit Account No. 07-1445 will be charged the required petition fee.

BACKGROUND

On 23 February 2001, applicant filed materials to initiate the present application. The transmittal letter included with the submission was titled "Transmittal Letter For A PCT International Application Entering The National Stage In The U.S. As A Designated Or Elected Office Under 35 U.S.C. 371." The Transmittal Letter refers, however, not to an international application filed under the PCT, but to European Application Number 00103882.7 entitled "Method And Apparatus For Determining Characteristics Of A Sample Liquid Including A Plurality Of Substances" (the attached specification bears the same title). The inventors were identified as Rudolf MUELLER, Dietrich WABNER, Hanns-Erik ENDRES, Ilse WURDACK, and Peter PFEIFFER.

The Transmittal Letter also contained a reference to PCT/EP99/05675. Because the Transmittal Letter referred to entry into the national stage under 35 U.S.C. 371 and PCT/EP99/05675 was the only PCT application mentioned, the present application file was created as a national stage of PCT/EP99/05675.

On 11 September 2001, DO/EO/US mailed a Notification Of Missing Requirements indicating that the declaration filed by applicants was not properly executed and that a proper declaration and the surcharge for filing the declaration later than thirty months after the priority date were required.

On 05 April 2002, the DO/EO/US mailed a Notification Of Acceptance and a Filing Receipt indicating that the present application was a national stage of PCT/EP99/05675 with a 35 U.S.C. 371 date of 19 October 2001 and entitled "Thread Oiling."

On 23 April 2002, applicants filed a "Request For A Corrected Filing Receipt." This submission noted that the title on the Filing Receipt was incorrect, as was the reference to PCT/EP99/05675.

On 26 August 2002, applicants filed the "Petition Under Rule 182" considered herein. The petition seeks to have the application treated as a U.S. application filed under 35 U.S.C. 111(a) claiming priority only to European Application No. 00103882.7.

DISCUSSION

Any intended filing of an international application as a national stage application must clearly and unambiguously be identified as such and must satisfy all of the conditions set forth in 35 U.S.C. 371(c). See 37 CFR 1.494(f):

> The documents and fees submitted ... must be clearly identified as a submission to enter the national stage under 35 U.S.C. 371, otherwise the submission will be considered as being made under 35 U.S.C. 111.

In addition, section 1893.03(a) of the MPEP states that:

> If there are any conflicting instructions as to whether the filing is under 35 U.S.C. 111(a) or 35 U.S.C. 371, the application will be accepted as filed under 35 U.S.C. 111(a).

As noted above, applicants' original Transmittal Letter here specifically identified the accompanying submission as a submission to enter the national stage under 35 U.S.C. 371. However, the only reference to a PCT application on the Transmittal Letter (PCT/EP99/05675) is on an unchecked line and it refers to an application with a different title, description, claims, and inventors from those listed on the Transmittal Letter and set forth in the attached specification. Moreover, the application referred to in detail in the Transmittal Letter (European Application No. 00103882.7) is not a PCT application and therefore was not capable of entering into the national stage under 35 U.S.C. 371. Taken as the a whole, the Transmittal Letter and accompanying materials filed 23 February 2001 cannot be interpreted as a clear request to enter the national stage under 35 U.S.C. 371 for any specific international application. Accordingly, the submission is properly treated as a filing under 35 U.S.C. 111(a).

The present petition under 37 CFR 1.182 clarifies the original intent of the 23 February 2001 filing, that is, the filing of a United States application under 35 U.S.C. 111(a) entitled "Method And Apparatus For Determining Characteristics Of A Sample Liquid Including A Plurality Of Substances" (the specification, claims, and drawings were included with the 23 February 2001 submission) with inventors Rudolf MUELLER, Dietrich WABNER, Hanns-Erik ENDRES, Ilse WURDACK, and Peter PFEIFFER. The application file will be corrected to correspond with the applicants' intent.

CONCLUSION

Applicants' petition under 37 CFR 1.182 is **GRANTED**.

This application file will be treated as a U.S. application filed under 35 U.S.C. 111(a), as discussed above.

The Notification Of Acceptance mailed 05 April 2002 are hereby **VACATED**.

Deposit Account No. 07-1445 will be credited with a refund of $150, this being the difference between the $860 basic national fee originally submitted with this application and the applicable $710 filing fee. This Deposit Account will also be charged $130 as the petition fee.

The papers in the application file relating to PCT/EP99/05675 sent from the International Bureau to the United States will be removed.

The application will be forwarded to the Office of Initial Patent Examination to treat this application as a filing under 35 U.S.C. 111(a) with a filing date of 23 February 2001.

Boris Milef
PCT Legal Examiner
PCT Legal Office

RMR/BM:rmr

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

APR 27 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

#3

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

Steven J. Grossman
HAYES, SOLOWAY, HENNESSEY & HAGE, P.C.
175 Canal Street
Manchester, New Hampshire 03101

In re Application of :
LABRIE, Craig B. *et al* :
U.S. Application No.: 09/786,305 :
PCT No.: PCT/US99/13592 : DECISION ON
Int. Filing Date: 16 June 1999 : PETITION FOR REVIVAL
Priority Date: 19 June 1998 : UNDER 37 CFR 1.137(b)
Attorney Docket No.: TRM DV2539 :
For: APPARATUS FOR DEPLOYING AN :
AIR BAG THROUGH A HARD PANEL :

The "Petition for Revival of a National Phase of an International Patent Application Abandoned Unintentionally Under 37 CFR 1.137(b)" filed 02 March 2001 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement, "[t]he entire delay in filing the U.S. National Phase of the International Patent Application until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" satisfies the requirements of 37 CFR 1.137(b)(3). The appropriate basic national fee, additional claim fee and petition fee have been paid. It is noted that Deposit Account No. 08-1391 was charged an additional $20.00 for the petition fee ($1,240.00 Fee Code 141). Therefore, the requirements of 37 CFR 1.137(b) have been satisfied.

An oath or declaration of the inventors pursuant to 35 U.S.C. 371(c)(4) was not provided. Accordingly, the application is being forwarded to the United States Designated/Elected Office for further processing including mailing a Notification of Missing Requirements (Form PCT/DO/EO/905) for failing to provide a declaration in compliance with 37 CFR 1.497 (a) and (b) and surcharge fee pursuant to 37 CFR 1.492(e).

James Thomson
PCT Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457

FEB 0 6 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

#10

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

Steven J. Grossman
HAYES, SOLOWAY, HENNESSEY & HAGE, P.C.
175 Canal Street
Manchester, New Hampshire 03101

In re Application of	
LABRIE, Craig B *et al*	
U.S. Application No.: 09/786,305	
PCT No.: PCT/US99/13592	DECISION ON
Int. Filing Date: 16 June 1999	PETITION UNDER
Priority Date: 19 June 1998	37 CFR 1.47(a)
Attorney Docket No.: TRM DV2539	
For: APPARATUS FOR DEPLOYING AN AIR BAG . . .	

This is a decision on applicants' "Petition Under PCT Rule 4.15(b) and 37 CFR 1.425 to Accept Filing Where One Inventor Refuses to Sign the Request and Two Inventors Cannot be Located" ("Pet.") filed 08 November 2001. This is treated as a petition pursuant to 37 CFR 1.47(a).

BACKGROUND

On 08 May 2001, 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/declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge fee pursuant to 37 CFR 1.492(e) must be provided. Applicants were given two months to respond. Extensions of time were available under 37 CFR 1.136(a).

On 08 November 2001, applicants submitted the instant petition which was accompanied by, *inter alia*, a four-month extension and $1,440.00 fee; the $130.00 surcharge fee; and a declaration signed by seven of the ten co-inventors.

On 13 December 2001, the DO/EO/US mailed a Notification of Abandonment.

DISCUSSION

The Notification of Abandonment was mailed before the instant response was processed. Accordingly, the Notification of Abandonment mailed 13 December 2001 is hereby **VACATED**.

Inventor(s) Refuse to Sign/Cannot be Located

In the instant response, applicant requests that "the present application be processed according to the Patent Cooperation Treaty and 37 CFR 1.425." Pet. ¶ 8. This is not possible.

PCT Rule 4.15 and 37 CFR 1.425 apply only to international applications. In addition, section 1893.01(e) of the Manual of Patent Examining Procedure (MPEP) discusses the oath/declaration requirements in U.S. National Applications filed under 35 U.S.C. 371 and states, in part that:

> If an inventor refuses to execute the oath or declaration or is unavailable, applicant must file an oath or declaration and a petition in accordance with 37 CFR 1.47.

Here, applicants are entering the national phase pursuant to 35 U.S.C. 371. Seven of the ten listed inventors have signed the declaration. Since at least one co-inventor signed the declaration, applicants must satisfy the requirements of 37 CFR 1.47(a).

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the required petition fee; (2) factual proof that the missing joint inventor(s) refuses to execute the application or cannot be found or reached after diligent effort; (3) a statement of the last known address of the missing joint inventor(s); (4) and an oath or declaration executed by the signing joint inventor on his behalf and on behalf of the non-signing joint inventor.

The required petition fee of $130.00 as set forth in 37 CFR 1.17(i) has been charged to Deposit Account No. 08-1391 as authorized. Item (1) is complete.

Regarding item (3), the address of Craig B. Labrie, John J. Kennedy, and Vernon A. Daniels are all listed on the declaration. These addresses have been construed as a statement of the last known address of each co-inventor. If this is not correct, applicants must notify the Office as soon as possible.

Mr. Labrie's address is listed as:

59 Upper Factory Road
Dover, N.H. 03820

Mr. Kennedy's address is listed as:

920 Irving
Royal Oak, MI 48067

Mr. Daniels address is listed as:

160 Channes Circle
Brooklyn, MI 40230

Concerning item (4), MPEP § 409.03(a) states, in part:

> 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.

In the instant petition, applicants included a declaration signed by seven of the ten co-inventors. All the co-inventors' names, residences, post office addresses and citizenship are typed on the declaration. This declaration satisfies the requirements of section 409.03(a) of the MPEP, and is in compliance with 37 CFR 1.497(a) and (b). Therefore, item (4) is satisfied

However, applicants failed to satisfy item (2).

Applicants first state that "in spite of repeated efforts, the undersigned was unable to obtain the signature of co-inventor Daniels on the enclosed Declaration as co-inventor Daniels refuses to sign." Id. ¶ 4. Section 409.03(d) of the MPEP explains what is required to prove a refusal by an inventor and states, in part:

> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

Then, applicants declared that "in spite of repeated efforts, the undersigned was unable to locate co-inventors Labrie and Kennedy, and was therefore unable to obtain the signatures of co-inventors Labrie and Kennedy." Id. at ¶ 5. Applicants' burden in proving that an inventor cannot be located pursuant to item (2) is explained in section 409.03(d) of the MPEP which states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, 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 . . .

> The statement 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 internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included [in the] statement of facts. It is important that the statement contain facts as opposed to conclusions.

In the instant petition, applicants did not submit a declaration or affidavit by a person having firsthand knowledge of the facts, or provide documentary evidence as required above. Moreover, applicants also need to show that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor, Mr. Daniels, for a signature. For these reasons, item (2) is not satisfied.

Therefore, all of the requirements of 37 CFR 1.47(a) are not yet complete.

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. 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 PCT Legal Office.

Richard Cole
PCT Legal Examiner
PCT Legal Office

James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457

05 JUN 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

#12

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

Steven J. Grossman
HAYES, SOLOWAY, HENNESSEY & HAGE, P.C.
175 Canal Street
Manchester, New Hampshire 03101

In re Application of
LABRIE, Craig B *et al*
U.S. Application No.: 09/786,305
PCT No.: PCT/US99/13592
Int. Filing Date: 16 June 1999
Priority Date: 19 June 1998
Attorney Docket No.: TRM DV2539
For: APPARATUS FOR DEPLOYING AN AIR BAG . . .

DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" submitted 06 May 2002.

BACKGROUND

On 06 February 2002, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed because applicants failed to meet all of the requirements.

On 06 May 2002, applicants filed the instant renewed petition which was accompanied by, *inter alia*, a new declaration; a copy of Express Mail label No. EV043092622US; a copy of Express Mail label No. EV043092619US; and a copy of USPS Track/Confirm records for Express Mail label No. EV043092622US.

DISCUSSION

Applicants have located co-inventor Craig Labrie and he has signed a declaration. Applicants still are missing the signatures of John J. Kennedy and Vernon A. Daniels.

The decision dated 06 February 2002 stated that applicants failed to submit a declaration or affidavit by a person having firsthand knowledge of the facts, or provide any documentary evidence as required by § 409.03(d) of the Manual of Patent Examining Procedures (MPEP). Applicants also needed to show that a *bona fide* attempt was made to present a copy of the entire application papers to the nonsigning inventor, Mr. Daniels.

In the renewed petition, applicants claim "firsthand knowledge" and state that they submitted "via express mail a copy of the application (specification, including claims, drawings and oath/declaration) to Mr. Daniels's last known address . . . then

forwarded to . . . by the U.S. Postal Service and further, returned to the undersigned as "moved - no forwarding address." Ren.Pet. at ¶ 4. Applicants included a copy of Express Mail label No. EV043092622US which is stamped "RETURN TO SENDER" and "MOVED LEFT NO ADDRESS."

Applicants also declare that "John J. Kennedy is no longer employed by Textron Automotive Company, Inc. and in spite of repeated efforts, the undersigned was unable to locate co-inventor Kennedy." Id. at ¶ 6. Applicants also forwarded a copy of the entire application to Mr. Kennedy's last known address. Id. at ¶ 7. Applicants submitted a copy of an USPS Track/Confirm records for Express Mail label No. EV043092619US which shows that the addressed/addressee was unknown and returned back to sender.

However, this is not sufficient.

As previously stated, § 409.03(d) of the MPEP explains the requirements needed to show that a diligent effort was made and states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, 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** . . .
>
> The statement 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 **internet searches**, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. **The steps taken to locate the whereabouts of the nonsigning inventor should be included [in the] statement of facts.** It is important that the statement contain facts as opposed to conclusions. (Emphasis added).

In the instant renewed petition, applicants claim to have used "repeated efforts" to locate Mr. Kennedy but have not specified what steps were taken. In addition, there is no evidence that applicants tried to locate either of the co-inventors using the internet, telephone listing etc.

Applicants must submit a detailed statement of facts that show all the steps used to locate both Mr. Daniels and Mr. Kennedy. Sending an application to the last known address alone is not sufficient, in of itself, to prove that a diligent effort was made and does not meet the requirements of the MPEP.

For these reasons, item (2) of 37 CFR 1.47(a) is still not satisfied.

CONCLUSION

The renewed 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. 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 PCT Legal Office.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457

29 AUG 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

#14

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

Steven J. Grossman
HAYES, SOLOWAY, HENNESSEY & HAGE, P.C.
175 Canal Street
Manchester, New Hampshire 03101

In re Application of :
LABRIE, Craig B *et al* :
U.S. Application No.: 09/786,305 :
PCT No.: PCT/US99/13592 :
Int. Filing Date: 16 June 1999 :
Priority Date: 19 June 1998 :
Attorney Docket No.: TRM DV2539 :
For: APPARATUS FOR DEPLOYING AN AIR BAG . . . :

DECISION ON SECOND RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicants' "Renewed Petition Under 37 CFR 1.47(a)" ("Ren.Pet.") submitted 05 August 2002.

BACKGROUND

On 05 June 2002, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed.

On 06 May 2002, applicants filed the instant renewed petition which was accompanied by copies of an internet search for a "John Kennedy" in Michigan.

DISCUSSION

The 05 June 2002 decision dismissed applicants' petition filed 06 May 2002 for failing to submit a detailed statement of facts showing all the steps used to locate the nonsigning inventors.

In this renewed petition, applicants argue that they "have exhausted all available steps to obtain Mr. Daniels' signature. Mr. Daniels refused to sign when asked. Mr. Daniels elected to move and not provide the public with any forwarding contact information." Ren.Pet. at ¶ 5. Concerning Mr. Kennedy, applicants maintain that "John J. Kennedy is no longer in the employment of the assignee of the application, Textron Automotive Company. Mr. Kennedy (???) forwarded a copy of the application to the last known address that Mr. Kennedy provided to Textron. Mr. Kennedy nonetheless elected to move from this address, and also elected NOT to provide any forwarding information whatsoever." Id. at ¶ 7. Applicants then allege that they performed an internet search for a John Kennedy in the state of Michigan and came up with 87 hits which they did not follow up on.

The evidence provided is not sufficient to meet the requirements of the 37 CFR 1.47(a).

An inventor on behalf of themselves and the nonsigning inventors may make an application for patent under 37 CFR 1.47(a) only if a joint inventor refuses to sign or cannot be found or reached after a diligent effort was made to locate the nonsigning inventor. Here, applicants claim that both Mr. Daniels and Mr. Kennedy cannot be found. (Applicants initially claimed that Mr. Daniels refused to sign. However, before meeting the requirements to prove a refusal, applicants then claimed that Mr. Daniels could not be located.)

Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) discusses the situation when a joint inventor cannot be located to provide guidance to applicants and states:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, 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. The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47. Furthermore, the fact that an inventor is hospitalized and/or is not conscious is not an acceptable reason for filing under 37 CFR 1.47. 37 CFR 1.43 may be available under these circumstances. See MPEP § 409.02. Such a petition under 37 CFR 1.47 will be dismissed as inappropriate.
>
> The statement 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 internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included (in a) statement of facts. It is important that the statement contain facts as opposed to conclusions.

What constitutes a "diligent effort" to locate a nonsigning inventor various from case to case. Nonetheless, it is clear from the MPEP that this provision is not to be used in situations where the joint inventor is temporarily incapacitated, or on an extended vacation. A detailed description of the facts used by applicants to conclude

that the nonsigning joint inventors cannot be located must also be provided to ensure that this decision was reached only after appropriate steps were taken with the required diligence by applicants to safeguard the nonsigning inventor's rights. This statement should be signed by a person who has direct firsthand knowledge of the facts unless there is a compelling reason for the Office to accept such a statement by a person who does not have the requisite direct knowledge.

This section of the MPEP also provides guidance to applicants to help them meet the "diligent effort" requirement which may or may not be applicable depending upon the circumstances. Internet searches, certified mail return receipts, cover letters of instructions, telegrams are specifically listed but as applicants suggest in the renewed petition, they may or may not be applicable.

In the renewed petition, applicants still have not shown that a diligent effort was made to contact either of the two nonsigning joint inventors. There is no indication that applicants attempted to contact the former employer or co-workers of the nonsigning inventors to see if any additional information on their whereabouts could be determined. There is also no showing that the other joint inventors of the above-captioned application were questioned about the whereabouts of the nonsigning inventors. If any of these things were accomplished, they were not described on a statement of facts signed by a person having direct knowledge of this as required by the MPEP.

Moreover, applicants claim that the telephone was used to seek and obtain Mr. Daniels ' signature. Id. at ¶ 4. The claim for Mr. Daniels is that he cannot be located, therefore, applicants must satisfy the requirements needed to prove this. Applicants claim that Mr. Daniels allegedly refused to cooperate is not pertinent to applicants claim that Mr. Daniels cannot be located. Applicants failed to satisfy the requirements of a refusal as discussed in the decision dated 06 February 2002. In trying to satisfy the requirements needed to prove a refusal, applicants claim that they are unable because Mr. Daniel's cannot be found. Applicants need to show that they attempted to contact Mr. Daniel's using the telephone after learning that he cannot be located.

Finally, a review of the international publication ("WO 99/65738") for PCT/US99/13592 lists the name of one of the nonsigning inventors as Jack J. Kennedy, not John J. Kennedy as applicants record him on the declaration and the instant petition. A review of the international application did not show that a PCT Rule 92bis change of the name of the applicant/inventor was made in the international application. The International Bureau also does not have a record of such a change. If the international publication is incorrect, a petition under 37 CFR 1.181 may be appropriate. If, on the other hand, Mr. Kennedy changed his name from Jack to John, a petition under 37 CFR 1.182 is required.

CONCLUSION

For the reasons discussed above, applicants' renewed 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. 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 PCT Legal Office.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457

UNITED STATES PATENT AND TRADEMARK OFFICE

05 MAY 2003

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

Steven J. Grossman
HAYES, SOLOWAY, HENNESSEY & HAGE, P.C.
175 Canal Street
Manchester, New Hampshire 03101

In re Application of :
LABRIE, Craig B *et al* :
U.S. Application No.: 09/786,305 :
PCT No.: PCT/US99/13592 :
Int. Filing Date: 16 June 1999 :
Priority Date: 19 June 1998 :
Attorney Docket No.: TRM DV2539 :
For: APPARATUS FOR DEPLOYING AN AIR BAG . . . :
:

DECISION ON THIRD RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicants' "Third Renewed Petition Under 37 CFR 1.47(a)" ("3d.Ren.Pet.") submitted 29 January 2003.

BACKGROUND

On 29 August 2002, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed for failing to meet all of the requirements.

On 29 January 2003, applicants filed the instant renewed petition which was accompanied by, *inter alia*, a three-month extension request and extension fee, and copies of several pages of an internet search for one of the nonsigning co-inventors.

DISCUSSION

In this third renewed petition, counsel clarifies that with respect to Mr. Daniels, applicants seeks acceptance for filing under 37 CFR 1.47 because Mr. Daniels "has refused to sign." 3d.Ren.Pet. at ¶ 2.

Counsel has detailed all of the facts concerning the alleged refusal by Mr. Daniels including stating that a copy of the specification, claims and drawings were sent to Mr. Daniels and that he was contacted by phone and asked if he would review the application papers but that he refused. Id. at # 2. Counsel asserts that he has direct knowledge of the alleged refusal by Mr. Daniels. Counsel claims that he again tried to have Mr. Daniels review the application papers by sending the complete application to his last known address. However, the mail was forwarded to another address and finally the mail was returned to counsel unopened. Counsel maintains that "Mr. Daniels had apparently moved again and elected not to provide a forwarding address." Id. at #3.

This is sufficient to show a refusal by Mr. Daniels. His last home address will be changed to reflect the updated information to:

2675 Greenstone Dr., #908
Auburn Hills, MI 48326

With regard to the inability to locate Mr. Kennedy, in the renewed petition counsel detailed the facts used to contact Mr. Kennedy including performing another internet search using other possible name combinations including Jack J. Kennedy (which is the name listed on the international publication ("WO 99/65738") for PCT/US99/13592. These statements and the documentary evidence provided are sufficient to prove that a diligent effort was made to locate Mr. Kennedy.

Therefore, item (2) of 37 CFR 1.47(a) is now satisfied.

However, applicants have not addressed the problem with Mr. Kennedy's first name outlined in the 29 August 2002 decision. The international publication lists the name of Mr. Kennedy as Jack J. Kennedy while the declaration submitted 08 November 2001 in the above-captioned national stage application lists Mr. Kennedy as John J. Kennedy. There is no record that a change in the name of the applicant/inventor pursuant to PCT Rule 92bis was made by the International Bureau.

Therefore, the declaration filed in the above-captioned application on 08 November 2001 is not in compliance with 37 CFR 1.497(a)(3) because it does not properly identify each inventor. Consequently, item (4) of 37 CFR 1.47(a) is also not satisfied.

Applicants must address this discrepancy by providing either a new declaration listing the correct name for Mr. Kennedy, a petition under 37 CFR 1.181 if the international publication is incorrect, or a petition under 37 CFR 1.182 if Mr. Kennedy legally changed his name. *See* MPEP § 605.04(c).

CONCLUSION

For the reason discussed above, applicants' renewed 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. Extensions of time may be obtained under 37 CFR 1.136(a).

Applicants are advised that, effective May 1, 2003, the Office is changing its correspondence address. Any further correspondence with respect to this matter

deposited with the United States Postal Service on or after May 1, 2003 should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457

04 DEC 2003

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

Steven J. Grossman
HAYES, SOLOWAY, HENNESSEY & HAGE, P.C.
175 Canal Street
Manchester, New Hampshire 03101

In re Application of :
LABRIE, Craig B *et al* :
U.S. Application No.: 09/786,305 :
PCT No.: PCT/US99/13592 : **DECISION**
Int. Filing Date: 16 June 1999 :
Priority Date: 19 June 1998 :
Attorney Docket No.: TRM DV2539 :
For: APPARATUS FOR DEPLOYING AN :
AIR BAG . . . :

This decision is in response to applicants' "Petition Under 37 CFR 1.181" ("Pet.") submitted 03 July 2003.

BACKGROUND

On 05 May 2003, a decision dismissing applicants' petition under 37 CFR 1.47(a) was mailed for failing to satisfy item (4) due to a discrepancy with the name of one of the inventors. Applicants were requested to provide either a new declaration listing the correct name for Mr. Kennedy, a petition under 37 CFR 1.181 if the international publication is incorrect, or a petition under 37 CFR 1.182 if Mr. Kennedy legally changed his name.

On 03 July 2003, applicants filed the instant petition under 37 CFR 1.181.

DISCUSSION

Petition Under 37 CFR 1.181

Petitioner claims that the international publication incorrectly listed the name of Mr. Kennedy as Mr. Jack J. Kennedy. Petitioner claims that this error occurred "due to the fact the name "Jack" is the nickname of Mr. Kennedy." Pet. at ¶ 5. Petitioner explains that Mr. Kennedy attempted to correct this discrepancy in the PCT Power of Attorney and "inserted the name "John" for "Jack", and signed as Mr. John J. Kennedy . . . However, the PCT/US99/13592 published with the nickname Jack J. Kennedy, and the source of the confusion was born." Id. at ¶ 6.

This explanation is sufficient to show that the international publication erroneously indicated that Mr. Kennedy's first name was "Jack" instead of "John."

Accordingly, applicants' petition under 37 CFR 1.181 is hereby **GRANTED**.

Petition Under 37 CFR 1.47(a)

Since the discrepancy in the name of a joint inventor, Mr. John J. Kennedy, has been adequately explained, the declaration previously submitted is now in compliance with 37 CFR 1.497(a) and (b).

Thus, item (4) of 37 CFR 1.47(a) is now satisfied. All the requirements of 37 CFR 1.47(a) are now complete.

CONCLUSION

Applicants' renewed petition under 37 CFR 1.47(a) is **GRANTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 16 June 1999 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 06 May 2002.

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 his last known address of record and will be published in the Official Gazette.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

04 DEC 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John J. Kennedy
920 Irving
Royal Oak, Michigan 48067

In re Application of
LABRIE, Craig B *et al*
U.S. Application No.: 09/786,305
PCT No.: PCT/US99/13592
Int. Filing Date: 16 June 1999
Priority Date: 19 June 1998
Attorney Docket No.: TRM DV2539
For: APPARATUS FOR DEPLOYING AN AIR BAG . . .

Mr. Kennedy:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

Steven J. Grossman
HAYES, SOLOWAY, HENNESSEY & HAGE, P.C.
175 Canal Street
Manchester, New Hampshire 03101

04 DEC 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Vernon A. Daniels
2675 Greenstone Dr., #908
Auburn Hills, Michigan 48326

In re Application of
LABRIE, Craig B *et al*
U.S. Application No.: 09/786,305
PCT No.: PCT/US99/13592
Int. Filing Date: 16 June 1999
Priority Date: 19 June 1998
Attorney Docket No.: TRM DV2539
For: APPARATUS FOR DEPLOYING AN AIR BAG . . .

Mr. Daniels:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

Steven J. Grossman
HAYES, SOLOWAY, HENNESSEY & HAGE, P.C.
175 Canal Street
Manchester, New Hampshire 03101

UNITED STATES PATENT AND TRADEMARK OFFICE

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

BIRCH STEWART KOLASCH & BIRCH
PO BOX 747
FALLS CHURCH VA 22040-0747

COPY MAILED

SEP 30 2009

OFFICE OF PETITIONS

In re Application of :
Miroslaw Z. Bober :
Application No. 09/786,352 : ON APPLICATION FOR
Filed: March 13, 2001 : PATENT TERM ADJUSTMENT
Atty Docket No. 1906-0120PUS1 :

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR § 1.705(d) filed July 17, 2009, which is properly treated under 37 CFR 1.705(b). Applicant submits that the correct patent term adjustment to be indicated on the patent is one thousand two hundred and ninety-two (1,292) days, not three hundred fifteen (315) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction, in part, on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

It is noted that any period of adjustment will be entered in light of 35 U.S.C. 154(B) GUARANTEE OF NO MORE THAN 3-YEAR APPLICATION PENDENCY, which provides that:

> Subject to the limitations under paragraph (2), if the issue of an original patent is delayed due to the failure of the United States Patent and Trademark Office to issue a patent within 3 years after the actual filing date of the application in the United States, not including —

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

> (i) any time consumed by continued examination of the application requested by the applicant under section 132(b);

It is further noted that a Request for Continued Examination (RCE) was filed in this application on December 21, 2006.

To the extent that applicants otherwise requests reconsideration of the patent term adjustment at the time of the mailing of the notice of allowance, the application for patent term adjustment is **DISMISSED**.

On April 17, 2009, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the initial patent term adjustment to date is 315 days. Applicants timely filed the instant application for patent term adjustment[2].

Applicant asserts that:

> …the U.S. Patent and Trademark Office has incorrectly applied credit days for failure to respond to the Notice of Appeal filed May 19, 2008. The U.S. Patent and Trademark Office is not actually required to respond to a Notice of Appeal until an Appeal Brief has been filed. Because the rejection on appeal was successfully withdrawn and a new Office action was issued, the applicant is actually due credit days for a successful appeal.

Excerpt taken from Request for Reconsideration of Patent Term Adjustment, filed July 17, 2009, p. 2.

A review of the record reveals that the period of adjustment, pursuant to 37 CFR 1.703(a)(3)[3] was properly calculated based on

---

[2] The issue fee was paid on July 17, 2009. Accordingly, applicant timely filed the instant request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(b) with the payment of the fee set forth in 37 CFR 1.18(e).

[3] 37 CFR 1.703(a)(3) states that:

> (a) The period of adjustment under § 1.702(a) is the sum of the following periods:
>
> (3) The number of days, if any, in the period beginning on the day after the date that is four months after the date a reply

the failure of the Office to respond to the reply in compliance with § 1.113(c), the notice of appeal filed May 18, 2008, until the mailing of the non-final Office action, November 17, 2008, four months and 59 days later. Accordingly, the period of adjustment of 59 days will remain.

Further, a review of the application history reveals that applicants are not entitled to a period of adjustment under 37 CFR 1.703(e)[4]. A decision by a pre-appeal brief conference panel to withdraw the rejections of any, or all, of the claims on appeal is not a decision by a panel of the Board of Patent Appeals and Interferences, and, as such, is not a successful appeal within the meaning of 37 CFR 1.703(e). It is further noted that no decision was ever rendered in favor of applicants by the Board of Patent Appeals and Interferences, or a Federal court in appeal under 35 U.S.C. 141, or a civil action under 35 U.S.C. 145.

In view thereof, the initial determination of patent term adjustment at the time of the mailing of the notice of allowance remains 315 days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

---

in compliance with § 1.113(c) was filed and ending on the date of mailing of either an action under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151, whichever occurs first;

[4] 37 CFR 1.703(e) states that:

(e) The period of adjustment under § 1.702(e) is the sum of the number of days, if any, in the period beginning on the date on which a notice of appeal to the Board of Patent Appeals and Interferences was filed under 35 U.S.C. 134 and § 41.31 of this title and ending on the date of a final decision in favor of the applicant by the Board of Patent Appeals and Interferences or by a Federal court in appeal under 35 U.S.C. 141 or a civil action under 35 U.S.C. 145.

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this decision should be directed to Kenya A. McLaughlin, Petitions Attorney, at (571) 272-3222.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

JUN 05 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dann, Dorfman, Herrell and Skillman, P.C.
1601 Market Street
Suite 720
Philadelphia, PA 19103

In re Application of HALSETH et al
U.S. Application No.: 09/786,398
Int. Application No.: PCT/US99/19763
Int. Filing Date: 28 August 1999
Priority Date: 28 August 1998
Attorney Docket No.: 1032-P01698US1
For: FLUID INFUSION DEVICE WITH RETRACTABLE NEEDLE

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicants' "Petition to Revive Unintentionally Abandoned Application Pursuant to 37 C.F.R. §1.137" filed 02 March 2001.

BACKGROUND

On 28 August 1999, applicants filed international application PCT/US99/19763, which claimed priority of an earlier United States application filed 28 August 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 09 March 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 23 March 2000, 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 28 February 2001.

International application PCT/US99/19763 became abandoned as to the United States at midnight on 28 February 2001 for failure to pay the basic national fee.

On 02 March 2001, applicants filed the present petition. The petition states that it is accompanied by a proper response under 35 U.S.C. 371, the petition fee set forth in 37 CFR 1.17(m), and a statement that "the entire delay in filing the requirements to commence the national stage was unintentional."

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless previously filed, (2) the petition fee as set forth in 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 was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), applicants have provided the required reply under 35 U.S.C. 371.

With regard to item (2), applicants have provided the required petition fee.

With regard to item (3), the petition states, "The entire delay in filing the requirements to commence the national stage was unintentional." This statement is interpreted 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 under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision, including preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

MAY 23 2002

#9

DANN, DORFMAN, HERRELL & SKILLMAN
SUITE 720
1601 MARKET STREET
PHILADELPHIA, PA 19103-2307

In re Application of :
John Baker et al :
Serial No.: 09/786,398 : DECISION ON PETITION
Filed: September 20, 2001 :

This is in response to applicants' petition filed May 2, 2001, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the merits as it relates HIV/AIDS.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, X. Therefore the petition is **GRANTED**.

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 John E. Kittle by letter addressed to the Director, Technology Center 3700/2900, Washington, DC 20231, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

27 JAN 2005

#5

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dara L. Dinner
GlaxoSmithKline
P.O. Box 1539
King of Prussia, PA 19406-0939

In re Application of :
BAKER et al. :
Application No.: 09/786,492 : DECISION ON PETITION
PCT No.: PCT/EP99/06423 : UNDER 37 CFR 1.181
Int. Filing Date: 31 August 1999 :
Priority Date: 09 September 1998 :
Attorney Docket No.: C70366 :
For: NOVEL COMPOSITION AND USE

This decision is in response to applicants' "Petition under 37 CFR 1.181" filed 20 June 2002. No petition fee is required.

BACKGROUND

On 31 August 1999, applicants filed international application PCT/EP99/06423, which claimed a priority date of 09 September 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 March 2000. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 09 March 2001.

On 06 March 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; and a preliminary amendment.

On 03 April 2001, the United Stated 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 in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a one-month time limit in which to respond.

On 28 May 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) within the time period set therein.

On 20 June 2002, applicants filed present petition under 37 CFR 1.181 and an executed declaration.

On 18 September 2002, applicants filed "Status Inquiry."

DISCUSSION

In response to the Notification of Abandonment mailed 28 May 2002, applicants state that the Notification of Missing Requirements under 35 U.S.C. 371 was not received. With regards to applicants' request that the holding of abandonment be withdrawn, a proper showing in order to establish that papers were not received as set forth in the Official Gazette at 1156 OG 53 must include the following: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement). Applicants have satisfied item (1) and (2) above.

However, as to item (3) applicants have provided a copy of the docket record which purportedly shows where the paper would have been entered had it been received. The printout of the docket report for this specific application is not sufficient to establish that the Notification of Missing Requirements under 35 U.S.C. 371 was not received and mis-docketed to another application. Accordingly, applicants are required to provide docket records for 03 May 2001, indicating all applications for which a response was due on said date.

CONCLUSION

The Petition to Withdraw Holding of Abandonment under 37 CFR 1.181 is **DISMISSED** without prejudice and the application remains **ABANDONED**.

If reconsideration of the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.181." Extensions of time under 37 CFR 1.136(a) are permitted.

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

10 MAR 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

Dara L. Dinner
GlaxoSmithKline
P.O. Box 1539
King of Prussia, PA 19406-0939

In re Application of :
BAKER et al. :
Application No.: 09/786,492 : DECISION ON PETITION
PCT No.: PCT/EP99/06423 : UNDER 37 CFR 1.181
Int. Filing Date: 31 August 1999 :
Priority Date: 09 September 1998 :
Attorney Docket No.: C70366 :
For: NOVEL COMPOSITION AND USE

This decision is in response to applicants' "Renewed Petition under 37 CFR 1.181" filed 25 February 2005. No petition fee is required.

BACKGROUND

On 31 August 1999, applicants filed international application PCT/EP99/06423, which claimed a priority date of 09 September 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 16 March 2000. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 09 March 2001.

On 06 March 2001, applicants filed a transmittal letter for entry into the national stage in the United States accompanied, inter alia, by: the basic national fee; a copy of the international application; and a preliminary amendment.

On 03 April 2001, the United Stated 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 in compliance with 37 CFR 1.497(a) and (b) must be filed. The notification set a one-month time limit in which to respond.

On 28 May 2002, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Abandonment (Form PCT/DO/EO/909) indicating that the application was abandoned for failure to file a complete response to the Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) within the time period set therein.

On 20 June 2002, applicants filed a petition under 37 CFR 1.181 and an executed declaration. In a decision dated 27 January 2005, applicants' petition to withdraw the holding of abandonment was dismissed without prejudice

On 25 February 2005, applicants filed the present renewed petition under 37 CFR 1.181.

DISCUSSION

In response to the Notification of Abandonment mailed 28 May 2002, applicants state that the Notification of Missing Requirements under 35 U.S.C. 371 was not received. With regards to applicants' request that the holding of abandonment be withdrawn, a proper showing in order to establish that papers were not received as set forth in the Official Gazette at 1156 OG 53 must include the following: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Applicants have satisfied item (1),(2), and (3) above.

CONCLUSION

For the reasons above, the request is **GRANTED**. The holding of Abandonment is withdrawn.

The application has an international filing date of 31 August 1999 under 35 U.S.C. 363 and a 35 U.S.C. 371(c) date of **20 June 2002**.

This application is being returned to the United States/Designated Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (571) 272-3298
Fax: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

COPY MAILED

SEP 20 2006

OFFICE OF PETITIONS

Patent No. 7,000,035	:	LETTER REGARDING
Issue Date: February 14, 2006	:	PATENT TERM ADJUSTMENT
Application No. 09/786,560	:	AND
Filed: March 6, 2001	:	NOTICE OF INTENT TO ISSUE
Atty Docket No. 9683/81	:	CERTIFICATE OF CORRECTION

This letter is in response to the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT" filed February 15, 2006. Pursuant to patentees' duty of good faith and candor to the Office, patentees indicate that the Patent Term Adjustment of seven hundred eighteen (718) days indicated on the patent may extend the term of the patent by too many days.

The request for reconsideration of patent term adjustment indicated in the patent is **GRANTED**.

The patent term adjustment indicated in the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of six hundred twenty-one (621) days.

On February 14, 2006, this application matured into U.S. Patent No. 7,000,035, with a revised patent term adjustment of 718 days. Patentees do not state the basis of their assertion that the PTA of 718 days may be incorrect.

Nonetheless, a review of the application history reveals that an additional period of reduction of 97 days should have been entered. As the amendment filed March 7, 2005, was not in compliance with § 1.113(c), the period for reply to the final

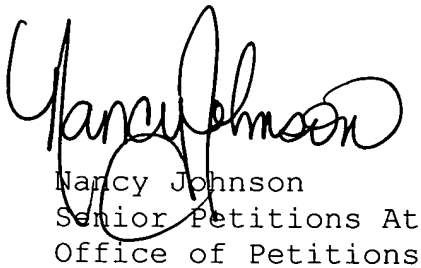
rejection mailed December 9, 2004, continued to run. See Advisory Action mailed March 18, 2005. The proper reply, a Notice of Appeal, was not received in the Office until June 14, 2005. Accordingly, the reduction began March 10, 2005, the day after the date that is three months after the date of mailing of the final rejection, and ended June 14, 2005, the date the Notice of Appeal was filed.

In view thereof, the patent should have issued with a revised patent term adjustment of six hundred twenty-one (621) days.

As this letter was submitted as an advisement to the Office of an error in Patentees' favor, the Office will not assess the $200.00 application fee under 37 CFR 1.705(b). The Office thanks patentees for their good faith and candor in bringing this to the attention of the Office.

The application file is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify this error. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by six hundred twenty-one (621) days.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,000,035 B1

DATED : February 14, 2006

INVENTOR(S) : Hideo Uchizono et al.

DRAFT

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (718) days

Delete the phrase "by 718" and insert – by 621 days--

SPE F. Tsang

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/27/06

TO SPE OF : ART UNIT 2614

SUBJECT : Request for Certificate of Correction for Appl. No.: 09/786,524 Patent No.: 6907067

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: _____

FAN TSANG
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

_____ 2614
SPE **Art Unit**

AUG 2 9 2001

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Christopher J. Fildes
20916 Mack Avenue, Suite 2
Grosse Pointe Woods, MI 48236

In re Application of
Noponen et al.
Application No.: 09/786,621
PCT No.: PCT/FI999/00767
Int. Filing Date:17 September 1999
Priority Date:17 September 1998
Attorney's Docket No.:11001.071
For: METHOD FOR SOUND REPRODUCTION AND PILLAR LOUDSPEAKER

DECISION ON

PAPERS FILED UNDER

37 C.F.R. 1.42

This is a decision on applicant's submission of a declaration filed 05 March 2001 executed by Sisko Noponen as the legal representative for deceased inventor Seppo Noponen.

BACKGROUND

On17 September 1999, applicants filed international application PCT/FI99/00767, which designates the U.S. and claims a priority date of 17 September 1998. A Demand electing, *inter alia*, the U.S., was filed within 19 months of the priority date. Accordingly, the deadline for filing the national stage application in the U.S. expired at midnight on 17 March 2001.

On 05 March 2001, applicant filed a transmittal letter for entry into the national stage in the U.S. which was accompanied by, *inter alia*, the requisite basic national fee and the combined declaration and power of attorney.

DISCUSSION

The declaration filed 05 March 2001 is acceptable under 37 CFR 1.42 and complies with 37 CFR 1.497(a)-(b). Accordingly, the requirements for entry into the national stage under 35 U.S.C. 371(c) were completed as of 05 March 2001.

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

This application is being forwarded to the National Stage Processing Division of the Office of PCT Operations to continue national stage processing of the application, including according the application a 35 U.S.C. 371(c) date of **05 March 2001**.

Debra S. Brittingham
PCT Legal Office
DSB/RC:dsb

Tel: (703) 308-3401
Fax: (703) 308-6459

Richard Cole
PCT Legal Examiner
PCT Legal 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

GEORGE A LOUD
625 SLATERS LANE, 4TH FLOOR
ALEXANDRIA VA 22314

COPY MAILED

NOV 0 8 2007

OFFICE OF PETITIONS

In re Patent No. 7,085,721 :
Issue Date: August 1, 2006 :
Application No. 09/786,642 : ON PETITION
Filed: March 7, 2001 :
Attorney Docket No. MAD-C057 :

This is a decision on the petition filed November 6, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 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
DIW 04-05

BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK NY 10112

COPY MAILED

APR 15 2005

OFFICE OF PETITIONS

In re Patent No. 6,813,919	:	
Issued: 9 November, 2004	:	
Application No. 09/786,739	:	ON PETITION
Filed: 15 October, 2001	:	
Attorney Docket No. A34093 PCT USA	:	

This is a decision on the petition filed on 6 December, 2004, 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 petition is **granted**.

Telephone inquires concerning this matter may be directed to the undersigned at 571.272.3213. 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
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

SCHIFF HARDIN LLP
PATENT DEPARTMENT
6600 SEARS TOWER
CHICAGO, IL 60606-6473

COPY MAILED

AUG 12 2004

OFFICE OF PETITIONS

In re Application of :
Heinrich Jurgensen :
Application No. 09/786,742 : DECISION GRANTING PETITION
Filed: September 14, 2001 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. P01,0032 02 :

This is a decision on the petition, filed August 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 July 12, 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.

This matter is being referred to Technology Center AU 2828 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, DC 20231
www.uspto.gov

Paper No. 5

JOHN W. RYAN
WILMER CUTLER & PICKERING
2445 M STREET NW
WASHINGTON DC 20037-1420

MAIL

MAY 1 9 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Maurizio Pilu :
Application No. 09/786,768 :
Filed: March 9, 2001 :
For: CURLED SURFACE IMAGING SYSTEM :
:

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on April 10, 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 met all of the above. Accordingly, the request is **GRANTED**.

All of the attorneys of record are granted the request for withdraw of attorney/agent. The Patent Office does not recognize withdrawal of a firm.

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: HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
PO BOX 272400
FORT COLLINS, CO 80527-2400

JUL 18 2001
UNITED STATES PATENT AND TRADEMARK OFFICE

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

Clarence A. Green
PERMAN & GREEN, LLP
425 Post Road
Fairfield, Connecticut 06430

In re Application of:	
OKSANEN, Lauri	DECISION ON PETITION
U.S. Application No.: 09/786,772	TO REVIVE ABANDONED
PCT No.: PCT/IB99/01546	APPLICATION UNDER 37
International Filing Date: 07 September 1999	CFR 1.137(b)
Priority Date: 07 September 1998	
Attorney's Docket No.: 617-010222-US(PAR)	
For: COMMUNICATION SYSTEM	

The petition to revive under 37 CFR 1.137(b) filed 09 March 2001 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "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" meets the requirements of 37 CFR 1.137(b)(3).

Applicant has now submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

In addition, on 08 June 2001, applicant filed an executed declaration in compliance with 37 CFR 1.497 and the $130 surcharge for filing the declaration later than thirty months after the priority date.

This application is being returned to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is **08 June 2001.**

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK G. MORTENSON
POST OFFICE BOX 310
NORTH EAST, MD 21901-0310

COPY MAILED

OCT 24 2005

OFFICE OF PETITIONS

In re Application of :
Julianna H. J. Brooks, et al. :
Application No. 09/786,794 : ON PETITION
Filed: March 8, 2001 :
Attorney Docket No. BLP:106 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 10, 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 final Office action mailed May 18, 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) was obtained. An Advisory action was mailed December 8, 2004 indicating that the reply filed on November 19, 2004, failed to place the application in condition for allowance. Accordingly, the application became abandoned at on November 19, 2004.

The filing of the RCE on May 10, 2005, obviates the Notice of Appeal filed with the instant petition. Accordingly, the Notice of Appeal will not be entered and the fee submitted with the Notice of Appeal will be refunded by treasury check in due course.

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 and a Request for Continued Examination (RCE); (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the petition filed May 10, 2005 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being forwarded to Technology Center 2800, Art Unit 2856 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions

UNITED STATES 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
PO Box 10395
Chicago, Illinois 60610

COPY MAILED

SEP 11 2006

OFFICE OF PETITIONS

In re Application of
Tanabayashi et al.
Application No.09/786818
Patent No. 7010306
Attorney Docket No.9682/82

:DECISION DISMISSING PTA
:RECONSIDERATION

This decision is in response to patentees' REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT PURSUANT to 37 CFR 1.705(d) TIMELY FILED ON MAY 5TH requesting that the Office adjust the PTA at the time of the issuance of the patent from a determination of 535 to a determination of 1087 days.

Patentees' letter regarding PTA is **DISMISSED.** The proper amount of PTA at the time of the issuance of the patent is 535 days as printed on the front page of the patent.

Patentees are given 30-days or one month whichever is longer to respond to this decision. No extensions of time are granted under 37 CFR 1.136.

Patentees' assert that the Office made two errors in the determination of the PTA. 1) The Office failed to provide any additional PTA for the Office's failure to issue the application within three years of the filing date. 2) The Office assessed too much PTA reduction under 37 CFR 1.704(c)(10). Patentees' assert that the Office should assess any additional PTA addition of 563 days[1] which is the amount of time from the three year anniversary date until the date of filing the RCE. Patentees further assert that the only delay under 37 CFR 1.704(c)(10) is the submission of the drawings.

Patentees' assertions are not persuasive. Patentees argument relating to 37 CFR 1.702(b) is not persuasive. Patentees are advised that if an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the application (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more

[1]Patentees assert that the additional 563 days began on March 10, 2004 (day after 3-year anniversary date and ended on September 23, 2005, date of submission of RCE request.

than 3 years after the filing date of the application which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22,2004). Because the PTA amount awarded under 37 CFR 1.704(a)(1) is greater than the delay under 37 CFR 1.702(b), applicants will receive no additional PTA time.

In addition, Patentees properly received a reduction of 46 and 25 days under 37 CFR 1.704(c)(10). Applicant submitted both an amendment under 37 CFR 312 as well as drawing submission on 12-27-05. The Office responded to the 312 amendment on January 20, 2006. The response did not address the submission of the drawings filed after the mail date of the notice of allowance. Accordingly, the reduction for the submission of thee 312 amendment amounted to 25 days. The reduction for the drawings began on January 21, 2006[2] and amounted to 46 days.

After the mailing of this decision, the patented file will be forwarded to the file repository for proper storage of such patented file.

The Office has assessed the $200.00 fee to deposit account 23-1925. No additional fees are required in deciding this request for reconsideration of the patent term adjustment determination.

Any questions concerning this decision should be directed to Kery A. Fries, Senior Legal Advisor, at 571-272-7757.

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

cc: PTA determination

[2]t is noted that the drawing submission overlapped with the 312 amendment (both filed on 12/27/05) and the Office does not reduce the PTA for overlapping reduction periods. Accordingly, the drawing submission reduction began on January 21, 2006 and ended on March 7, 2006, the date for issuance of the patent.

Day : Thursday

PALM INTRANET

Date: 9/7/2006
Time: 13:48:22

PTA Calculations for Application: 09/786818			
Application Filing Date:	03/09/2001	PTO Delay (PTO):	663
Issue Date of Patent:	03/07/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	128
Post-Issue Petitions:	0	Total PTA (days):	535
PTO Delay Adjustment:	0		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
75.5	02/15/2006	PTA 36 MONTHS			
75	03/07/2006	PATENT ISSUE DATE USED IN PTA CALCULATION			
74	01/31/2006	EXPORT TO FINAL DATA CAPTURE			
73	01/27/2006	FINISHED INITIAL DATA CAPTURE			
72	01/30/2006	DISPATCH TO FDC			
71	01/20/2006	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
70	01/19/2006	RESPONSE TO AMENDMENT UNDER RULE 312			
69	12/27/2005	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		25	71
68	01/11/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
67	12/27/2005	WORKFLOW - DRAWINGS FINISHED		46	
66	12/27/2005	ISSUE FEE PAYMENT VERIFIED			
65	12/27/2005	ISSUE FEE PAYMENT RECEIVED			
64	11/01/2005	EXPORT TO INITIAL DATA CAPTURE			
63	10/27/2005	MAIL NOTICE OF ALLOWANCE			
62	10/26/2005	ISSUE REVISION COMPLETED			
61	10/26/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
60	10/26/2005	NOTICE OF ALLOWABILITY			
59	09/23/2005	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
58	09/23/2005	REFERENCE CAPTURE ON IDS			
57	09/23/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	53
56	10/06/2005	DATE FORWARDED TO EXAMINER			

55	09/23/2005	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
54	10/06/2005	DATE FORWARDED TO EXAMINER			
53	09/23/2005	REQUEST FOR CONTINUED EXAMINATION (RCE)		57	40
52	10/06/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
51	09/23/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
45	09/23/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
44	07/18/2005	MAIL ADVISORY ACTION (PTOL - 303)			
43	07/14/2005	ADVISORY ACTION (PTOL-303)			
42	07/06/2005	DATE FORWARDED TO EXAMINER			
41	06/28/2005	AMENDMENT AFTER FINAL REJECTION			
40	04/28/2005	MAIL FINAL REJECTION (PTOL - 326)			
39	04/27/2005	FINAL REJECTION			
38	04/19/2005	DATE FORWARDED TO EXAMINER			
37	03/22/2005	RESPONSE AFTER NON-FINAL ACTION			
36	01/04/2005	MAIL NON-FINAL REJECTION			
35	01/03/2005	NON-FINAL REJECTION			
34	01/03/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
33	12/19/2004	DATE FORWARDED TO EXAMINER			
32	09/13/2004	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
31	12/19/2004	DATE FORWARDED TO EXAMINER			
30	09/13/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)			
29	12/19/2004	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
28	09/13/2004	WORKFLOW INCOMING AMENDMENT IFW			
27	09/13/2004	WORKFLOW - REQUEST FOR RCE - BEGIN			
26	06/16/2004	MAIL FINAL REJECTION (PTOL - 326)			
25	06/14/2004	FINAL REJECTION			
24	06/09/2004	DATE FORWARDED TO EXAMINER			
23	06/01/2004	RESPONSE AFTER NON-FINAL ACTION			
22	06/01/2004	WORKFLOW INCOMING AMENDMENT IFW			
21	03/02/2004	MAIL NON-FINAL REJECTION	663		3
20	02/23/2004	NON-FINAL REJECTION			

19	01/02/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	09/09/2003	CASE DOCKETED TO EXAMINER IN GAU			
17	09/03/2003	CASE DOCKETED TO EXAMINER IN GAU			
16	07/16/2003	CASE DOCKETED TO EXAMINER IN GAU			
15	02/20/2003	CASE DOCKETED TO EXAMINER IN GAU			
14	01/14/2003	CASE DOCKETED TO EXAMINER IN GAU			
13	05/03/2001	PRELIMINARY AMENDMENT			
12	05/03/2001	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	06/20/2001	CASE DOCKETED TO EXAMINER IN GAU			
10	05/18/2001	APPLICATION DISPATCHED FROM OIPE			
9	05/11/2001	IFW SCAN & PACR AUTO SECURITY REVIEW			
8	04/30/2001	CORRESPONDENCE ADDRESS CHANGE			
7	04/27/2001	RELEASED TO OIPE			
6	04/27/2001	NOTICE OF DO/EO ACCEPTANCE MAILED			
5	04/26/2001	371 APPLICATION PREEXAMINATION DOCKETING			
4	03/29/2001	371 APPLICATION PREEXAMINATION DOCKETING			
3	03/09/2001	RECEIPT OF 371 REQUEST			
2	03/29/2001	CORRESPONDENCE ADDRESS CHANGE			
1	03/09/2001	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back use Back button on your browser toolbar.

Back to PALM | ASSIGNMENT | OASIS | Home page

UNITED STATES 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
PO Box 10395
Chicago, Illinois 60610

COPY MAILED

NOV 22 2006

OFFICE OF PETITIONS

In re Application of
Tanabayashi et al.
Application No.09/786818
Patent No. 7010306
Attorney Docket No.9682/82

:DECISION GRANTING PTA
:RECONSIDERATION

This decision is in response to patentees' REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT PURSUANT to 37 CFR 1.705(d) TIMELY FILED ON MAY 5TH requesting that the Office adjust the PTA at the time of the issuance of the patent from a determination of 535 to a determination of 1087 days. The Office has reviewed the determination and decided that the Office had in fact erred in reducing the PTA by 71 days for events occurring after the notice of allowance. The actual amount of reduction should have only been 25 days.

Patentees' letter regarding PTA is **GRANTED-in-part.** The proper amount of PTA at the time of the issuance of the patent is 581 days. The Office will sua sponte issue a certificate of correction reflecting this determination. The Office will also correct the PAIR determination to reflect this decision.

Patentees are given 30-days or one month whichever is longer to respond to this decision. No extensions of time are granted under 37 CFR 1.136.

Patentees' assert that the Office made two errors in the determination of the PTA. 1) The Office failed to provide any additional PTA for the Office's failure to issue the application within three years of the filing date. 2) The Office assessed too much PTA reduction under 37 CFR 1.704(c)(10). Patentees' assert that the Office should assess any additional PTA addition of 563 days[1] which is the amount of time from the three year anniversary date until the date of filing the RCE. Patentees further assert that the only delay under 37 CFR 1.704(c)(10) is the submission of the drawings.

Patentees' assertions are not persuasive. Patentees argument relating to 37 CFR 1.702(b) is not persuasive. Patentees are advised that if an application is entitled to an adjustment under 35 U.S.C. 154(b)(1)(B), the entire period during which the

[1]Patentees assert that the additional 563 days began on March 10, 2004 (day after 3-year anniversary date and ended on September 23, 2005, date of submission of RCE request.

application (except for periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 U.S.C. 154(b)(1)(B) in determining whether periods of delay overlap under 35 U.S.C. 154(b)(2)(A). Thus, any days of delay for Office issuance of the patent more than 3 years after the filing date of the application which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22,2004). Because the PTA amount awarded under 37 CFR 1.704(a)(1) is greater than the delay under 37 CFR 1.702(b), applicants will receive no additional PTA time.

In addition, Patentees properly received a reduction of 25 days under 37 CFR 1.704(c)(10). However, the additional 46 days of reduction were in error. The Office addressed applicants submission after the notice of allowance in the response on January 20, 2006 and accordingly the only delay after the mailing of the notice of allowance is for the period from 12/27/05 until 1/20/2006.

After the mailing of this decision, the patented file will be forwarded to the certificate of correction branch for a prompt issuance of a certificate of correction.

Any questions concerning this decision should be directed to Kery A. Fries, Senior Legal Advisor, at 571-272-7757.

Kery A. Fries

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

cc: PTA determination

Draft Certificate of correction

MAY 10 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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

#6

Richard L. Mayer
KENYON & KENYON
One Broadway
New York, N.Y. 10004

In re Application of:	:	
SUSEN ET AL.	:	DECISION ON
Application No.: 09/786,819	:	PETITION
PCT No.: PCT/EP99/06371	:	UNDER 37 CFR 1.137(b) AND
Int. Filing Date: 30 August 1999	:	UNDER 37 CFR 1.47(a)
Attorney's Docket No.: 22345/147	:	

For: METHOD FOR VERIFYING ACCESS AUTHORIZATION FOR VOICE TELEPHONY IN A FIXED NETWORK LINE OR MOBILE TELEPHONE LINE AS WELL AS A COMMUNICATIONS NETWORK

This is in response to the petition under 37 CFR 1.137(b) to revive the above-identified abandoned application for "unintentional" delay and the petition under 37 CFR 1.47 (a) to accept the above-identified national stage application without the signature of co-inventor Axel SUSEN both filed 28 November 2001. Applicant's correspondence provided authorization to charge their deposit account (No. 11-0600) the fee of $1,280.00 set forth in 37 CFR 1.17(m) for the petition under 37 CFR 1.137(b) and the fee of $130.00 set forth in 37 CFR 1.17(h) for the petition under 37 CFR 1.47(a).

BACKGROUND

On 30 August 1999, applicant filed international application PCT/EP99/06371, which claimed priority to an earlier German application DE 198 41 166.9, filed 09 September 1998. A Demand for international preliminary examination, was timely filed. Accordingly, the thirty month period for paying the basic national fee in the United States expired at midnight on 09 March 2001.

On 09 March 2001, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and an unsigned inventor Declaration.

On 27 April 2001 the United States Designated/Elected Office (DO/EO/US) forwarded a Notification of Missing Requirements under 35 USC 371 (Form PCT/DO/EO/905) requiring the submission of an executed oath or declaration conforming to 37 CFR 1.497(a) and (b) properly identifying the application and the late surcharge fee pursuant to 37 CFR 1.492(e) within two months of the mailing date (e.g. 27 June 2001).

On 28 November 2001 the present petition under 37 CFR 1.137(b) to revive the above-identified abandoned application for "unintentional" delay and the petition under 37 CFR 1.47 (a) to accept the above-identified national stage application without the signature of co-inventor Axel SUSEN was submitted. These petitions further included a copy of the Transmittal of Missing Requirements along with a Declaration and Power of Attorney executed by inventor Stefan BROCK.

DISCUSSION

I. Petition To Revive under 37 CFR 1.137(b):

A petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition fee required by 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, and (4) a terminal disclaimer with disclaimer fee (only for utility and plant applications filed before 08 June 1995).

Regarding item (1), applicants furnished the present petition under 37 CFR 1.47(a).

Regarding item (2), on 28 November 2001, applicants submitted the petition fee required by 37 CFR 1.17(m) of $1,280.00

Regarding item (3), on 28 November 2001, applicants submitted 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 under 37 CFR 1.137(b) was unintentional.

Regarding item (4), because applicants' filing date of 30 August 1999 is after 08 June 1995, the requirement of a terminal disclaimer with disclaimer fee is not applicable in this case.

Accordingly, applicants' petition to revive conforms with Rule 137(b) and therefore, applicants' attached response to the Notice of Missing Requirements (e.g. the Transmittal of Missing Requirements, a copy of the Notice of Missing Requirements) and the Petition Under 37 CFR 1.47(a) with accompanying attachments (including a Declaration and Power of Attorney executed by inventor Stefan BROCK but lacking the signature of inventor Axel SUSEN) are hereby entered.

The merits of applicant's Petition under 37 CFR 1.47 (a) to accept the above-identified national stage application without the signature of co-inventor Axel SUSEN will now be considered.

II. Petition to File When An Inventor Refuses To Sign or Cannot Be Reached under 37 CFR 1.47(a)

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 have satisfied items (1), (3), and (4) above.

Regarding item (2) above, MPEP 409.03(d) (August 2001) states in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, 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.
> The statement 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 internet searches, certified mail return receipts, cover letters of instructions, telegrams, that support a finding that the nonsigning inventor could not be found or reached should be made part of the statement. The steps taken to locate the whereabouts of the nonsigning inventor should be included ... (I)t is important that the statement contain facts as opposed to conclusions.

The supporting documentation submitted with the petition included a Declaration by an attorney of record (hereinafter an attorney statement), Linda M. Shudy, that, based upon the information received from Deutsche Telekom AG, that after due diligence the joint inventor Axel SUSEN (hereinafter the non-signing inventor) was not located.

The statement of Ms. Shudy and evidence provided under 37 CFR 1.47(a) are insufficient to demonstrate the "factual proof" required under 37 CFR 1.47(a). Specifically, the statement of facts provided in the petition is not signed by a "person having firsthand knowledge," which is necessary since hearsay statements are not acceptable proof.

Furthermore, evidence of a single mailing to the nonsigning inventor's last known address does not constitute "diligent effort" to locate the nonsigning inventor. This is especially true where, as in the present case, there has been no returned mail evidencing that Axel SUSEN is not available.

Applicant must demonstrate other additional efforts made to locate the nonsigning inventor, e.g. internet search, telephone directory search, checking with the local postal authority to determine the existence of a forwarding address, etc.

These additional efforts to locate the non-signing inventor are necessary in order to establish that the inventor is not "on vacation or out of town and is therefore temporarily unavailable to sign the declaration" or is not "hospitalized and/or is not conscious" which are not acceptable reasons for filing under 37 CFR 1.47. See MPEP 409.03(d).

In that Item (2) has not been satisfied, the present petition under 37 CFR 1.47(a) may not properly be granted at this time.

CONCLUSION

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

For the reasons above, 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 request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required. Failure to timely submit the proper reply will result in ABANDONMENT. 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 of Patents, Box PCT, Washington, D.C., 20231, with the contents of the letter marked to the attention of the PCT Legal Office.

Gregory Vidovich
PCT Legal Detailee
PCT Legal Office

Telephone: (703) 308-1315
Facsimile: (703) 308-6459

Richard Cole
PCT Legal Examiner
PCT Legal Office

30 AUG 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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

#8

Richard L. Mayer
Kenyon & Kenyon
One Broadway
New York, NY 10004

In re Application of	
SUSEN, Axel, et al.	
Application No.: 09/786,819	DECISION ON
PCT No.: PCT/EP99/06371	
Int. Filing Date: 30 August 1999	PETITION UNDER
Priority Date: 09 September 1998	
Attorney Docket No.: 2345/147	37 CFR 1.47(a)
For: METHOD FOR VERIFYING ... NETWORK	

This is a decision on applicants' "Renewed Petition Under 37 C.F.R. 1.47(a)/ Transmittal of Missing Requirements Under 35 U.S.C. 371," filed in the United States Patent and Trademark Office (USPTO) on 09 July 2002.

BACKGROUND

On 30 August 1999, applicants filed international application PCT/EP99/06371, which claimed a priority date of 09 September 1998. A Demand for international preliminary examination, in which the United States was elected, was filed on 24 January 2000, within 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 09 March 2001.

On 09 March 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 27 April 2001, the USPTO mailed a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required.

On 28 November 2001, applicants submitted petitions under 37 CFR 1.47(a) and 37 CFR 1.137(b), which were accompanied by, *inter alia*, a declaration of inventorship.

On 10 May 2002, the Office mailed Decision On Petition Under 37 CFR 1.137(b) and 37 CFR 1.47(a) granting the petition under 37 CFR 1.137(b) and dismissing without prejudice the petition under 37 CFR 1.47(a).

DISCUSSION

Applicants have submitted an executed declaration in compliance with 37 CFR 1.497(a)-(b). The petition under 37 CFR 1.47(a) is moot.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.47(a) is **DISMISSED AS MOOT**.

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, including accordation of a 35 U.S.C. date of **09 July 2002**.

Leonard E. Smith
PCT Legal Examiner
PCT Legal Administration

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

MAR 04 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John W. Ryan
WILMER CUTLER & PICKERING
2445 M Street, N.W.
Washington, D.C. 20037-1420

In re Application of	:	
PILU, Maurizio *et al*	:	
Application No.: 09/786,825	:	DECISION ON
PCT No.: PCT/GB00/02621	:	REQUEST TO WITHDRAW
Int. Filing Date: 07 July 2000	:	HOLDING OF ABANDONMENT
Priority Date: 09 July 1999	:	AND 37 CFR 1.182
Attorney's Docket No.: 30980088US	:	
For: DOCUMENT IMAGING SYSTEM	:	

This decision is in response to applicants' "Petition Regarding Deposit Account Authorization Under 37 C.F.R. § 1.182" ("Pet.") filed on 15 August 2001 and "Response to Notification of Abandonment" ("Resp.") filed 17 September 2001. The $130.00 petition fee has been paid.

BACKGROUND

On 07 July 2000, applicants filed international application PCT/GB00/02621 claiming priority to a British patent application filed 09 July 1999. A Demand for the international preliminary examination was not filed. Accordingly, the twenty-month period for paying the basic national fee in the United States expired at midnight on 09 March 2001.

On 09 March 2001, applicants filed a transmittal letter for entry into the national stage in the United States under 35 U.S.C. 371 which was accompanied by, *inter alia*, authorization to charge the basic national fee to Deposit Account No. 08-2025.

On 15 August 2001, applicants submitted the instant petition along with, *inter alia*, a check of $860.00 for the basic national fee; a check of $130.00 for the petition fee; and an "Affidavit of Authority to Charge Deposit Account" signed by Jeffery B. Fromm of Hewlett-Packard Company.

On 11 September 2001, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) stating that the above-captioned application was abandoned because applicants failed to provide the full U.S. basic national fee by twenty months from the earliest claimed priority date.

On 17 September 2001, applicant submitted a Response to the Notification of Abandonment which was accompanied by various documents.

DISCUSSION

Applicants claim that "[a]t the time of filing, the undersigned intended to charge Deposit Account No. 08-2025." Pet. ¶ 1. Counsel states that "[o]ver eighty (80) previous U.S. Applications of Hewlett-Packard were charged by me to their Deposit Account No. 08-2025, going back to August of 2000. In this instance, the only difference was that the letterhead for the Transmittal Letter did not contain the official Hewlett-Packard logo, a requirement not known to the undersigned at the time of filing." Id. at ¶ 3. Applicants included a letter from Hewlett-Packard authorizing counsel to charge official fees to Deposit Account No. 08-2025 with the instant petition.

A check with the Receipts Accounting Division of the Office of Finance at the USPTO revealed that neither Mr. John W. Ryan, or the law firm Wilmer, Cutler & Pickering was authorized to charge any fees to Hewlett-Packard's Deposit Account No. 08-2025 on 09 March 2001. The Hewlett-Packard Company's Deposit Account may be charged the basic national fee provided that the transmittal letter states that the attorney is working on behalf of Hewlett-Packard. However, a review of the transmittal letter did not indicate that counsel had any affiliation with Hewlett-Packard. Accordingly, it was appropriate for the Office of Finance not to charge the required fees from Deposit Account No. 08-2025 since applicants had no apparent authorization.

Moreover, 37 CFR 1.494(b)(2) states that "[t]o avoid abandonment of the application, the applicant shall furnish to the United States Patent and Trademark Office not later than the expiration of 20 months from the priority date: (2) The basic national fee. The 20-month time limit may not be extended."

In this case, the 20-month time period expired on 09 March 2001 after claiming priority back to 09 July 1999. The basic national fee was not paid on 09 March 2001. A petition under 37 CFR 1.182 to alter the transmittal letter is not appropriate. Similarly, the Notification of Abandonment mailed 11 September 2001 was proper.

Furthermore, in the "Response to Notification of Abandonment" filed 17 September 2001, counsel claims that "[t]he undersigned has filed two other National Phase Utility Patent Applications in the Receiving Office . . . , with the full U.S. Basic National Fee being charged to Deposit Account No. 08-2025. Resp. ¶ 3. Applicants included a copy of a Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) for U.S. application Nos. 09/786,768 and 09/869,421 with the response as exhibits.

A review of 09/869,421 reveals that the fees were properly charged in that application despite the fact that the transmittal letter did not show that the patent application was for the Hewlett-Packard Company. The declaration filed with the national stage papers listed the Hewlett-Packard Company, but the same information was not provided on the declaration in the above-identified application.

DECISION

Accordingly, applicants' petition under 37 CFR 1.182, and the petition to withdraw the holding of abandonment are both **DISMISSED** without prejudice.

The above-captioned remains **ABANDONED**.

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. Applicants could also file a petition to revive the above-captioned application pursuant to 37 CFR 1.137(a) or 1.137(b).

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.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457

10 JUN 2002
UNITED STATES PATENT AND TRADEMARK OFFICE

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

John W. Ryan
WILMER CUTLER & PICKERING
2445 M Street, N.W.
Washington, D.C. 20037-1420

In re Application of :
PILU, Maurizio *et al* :
Application No.: 09/786,825 :
PCT No.: PCT/GB00/02621 :
Int. Filing Date: 07 July 2000 :
Priority Date: 09 July 1999 :
Attorney's Docket No.: 30980088US :
For: DOCUMENT IMAGING SYSTEM :

DECISION ON RENEWED REQUEST TO WITHDRAW HOLDING OF ABANDONMENT AND 37 CFR 1.182

This decision is in response to applicants' "Response to Decision on Request to Withdraw Holding of Abandonment and Petition Under 37 C.F.R. § 1.182" ("Ren.Pet.") filed on 22 March 2002.

BACKGROUND

On 04 March 2002, a decision dismissing applicants' petition to withdraw the holding of abandonment was mailed because it was determined that applicants did not have any authorization to charge the required fees from Deposit Account No. 08-2025.

On 22 March 2002, applicants submitted the instant response which was accompanied by, *inter alia*, a document titled "Summary of Facts" and a copy of check No. 341619 for $860.00.

DISCUSSION

In the renewed petition, applicants request that the USPTO review:

(1) whether the basic national fee should be deemed paid as of 09 March 2001 even though the USPTO did not charge the basic national fee to the Deposit Account number listed on the transmittal letter, and

(2) whether the holding of abandonment for failure to pay the basic national fee should be withdrawn.

AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT NO. 08-2025

It is noted that after investigating this matter with the Receipts Accounting

Division of the Office of Finance at the USPTO, neither Mr. John W. Ryan nor the law firm Wilmer, Cutler & Pickering was authorized to charge any fees to the Hewlett-Packard Company's ("HP") Deposit Account No. 08-2025 on 09 March 2001.

In the renewed petition, applicants claim that "the USPTO should have charged the HP deposit account in this application based on the undersigned counsel's actual and apparent authority." Ren.Pet. at ¶ 4.

Actual Authority

Counsel asserts that he possessed actual authority to charge the basic national fee to the aforementioned Deposit Account based on the "Affidavit of Authority to Charge Deposit Account" signed by Mr. Jeffery B. Fromm of HP submitted with the prior petition on 17 September 2001.

A review of this document verifies that it confers actual authority on Mr. Ryan to charge official fees to Deposit Account No. 08-2025. However, this document was signed on 15 August 2001 which is well after the basic national fee was required to be paid pursuant to 37 CFR 1.494(b)(2) on 09 March 2001. Therefore, Mr. Ryan's actual authority did not mature until after the above-captioned application was abandoned. Counsel's argument is not supported by the facts.

Apparent Authority

Applicants argue that listing the corporation on the transmittal letter "is not the only way to provide an indication of counsel's affiliation with an assignee in order to authorize charging the assignee's deposit account." Id. at ¶ 6. Applicants claim that "the undersigned counsel had apparent authority to charge the HP deposit account as manifested by the HP information provided in the national stage papers and specifically listed on the assignment and the assignment recordation cover sheet." Id. at ¶ 5.

Applicants also argue that "[a]n assignment is, in fact, capable of indicating counsel's affiliation with an assignee to enable the USPTO to properly charge HP's deposit account" as U.S. application 09/786,768 ('768) was "formally identical to the filing of the subject application in that they both included transmittals and declarations that did not list the HP correspondence address, but both included assignments that did list the HP correspondence address." Id. at ¶ 8 (emphasis omitted).

Applicants liken the listing of HP on the declaration with the listing of HP on the assignment. They are not the same. Section 301 of the Manual of Patent Examining Procedure (MPEP) states, in part:

> An assignment can be made of record in the United States Patent and Trademark Office in two different ways, for two

different purposes. The differences are important to note:

(A) An assignment can be made of record in the assignment records of the Office. Recordation of the assignment provides legal notice to the public of the assignment. It should be noted that recording of the assignment is merely a ministerial act; it is not an Office determination of the validity of the assignment document nor the effect of the assignment document on the ownership of the patent property. *See* 37 CFR 3.54 and MPEP § 317.03; and

(B) An assignment can be made of record in the file of a patent application, patent, or other patent proceeding (e.g., reexamination proceeding). This step is necessary to permit the assignee to "take action " in the application, patent, or other patent proceeding under the conditions set forth in 37 CFR 3.73 and MPEP § 324. Recordation of an assignment in the assignment records of the Office does not, by itself, permit the assignee to take action in the application, patent, or other patent proceeding.

First, the assignment in the above-captioned application was fashioned under § 301(A) of the MPEP above to provide legal notice to the public of the assignment. Accordingly, this "ministerial act" is not sufficient to show the necessary affiliation between HP and counsel to allow the USPTO to charge official fees in HP's Deposit Account. This would have required that the assignment be made of record in the above-captioned application.

Second, a review of '768 reveals that the file contains no indication that counsel was affiliated with HP. Nevertheless, the USPTO charged the basic national fee to Deposit Account No. 08-2025 on 09 March 2001. This was improper.

In '768, counsel had no authority to charge any fees to Deposit Account No. 08-2025 on 09 March 2001. Accordingly, '768 should also have been abandoned pursuant to 37 CFR 1.494(b)(2). Nonetheless, no action will be pursued by the USPTO to abandon '768.

Charge Fees Pursuant to 37 CFR 1.34

Counsel asserts that by signing a cover sheet authorizing the charging fees to a Deposit Account "should have been enough authorization for the USPTO to withdraw the required funds" pursuant to 37 CFR 1.34. Id. at ¶ 10. Further, counsel charges that the assignment previously discussed and an Information Disclosure Statement submitted on 09 March 2001 on HP letterhead "provided full corroboration and

indication of the undersigned's affiliation with HP." Id.

This argument is unpersuasive.

The scope of 37 CFR 1.34 does not extend to the authorization of any practitioner to access a Deposit Account solely on the signature of the same practitioner. Other safeguards are involved. Deposit Account Rules and Information are posted on the official USPTO website. The rules are designed to protect and accommodate practitioners and the public.

The rules specifically state that "[i]t is also the responsibility of the account holder to keep the USPTO informed of all individuals or organizations that are authorized to make charges against the deposit account. Only requests signed by persons on the authorized user list will be processed." Therefore, the account holder must update the authorized user list to enable the authorized user to charge required fees. In this case, HP did not update the authorized user list until after 19 March 2001.

Actions Contradict USPTO Customer Service Policy

Counsel argues that the "non-acceptance of the undersigned's signed authority is contradictory to USPTO customer service policy." Id. at ¶ 11.

The USPTO's customer service policy is a balancing act between protecting the integrity of system and meeting the needs of the customers. In this case, protecting the financial integrity of the Deposit Account rules clearly outweigh applicants' dissatisfaction with the results of the prior decision.

If the USPTO allowed unauthorized persons access to an account holder's Deposit Account, then the USPTO would be obliged to reimburse these funds. The best way for the USPTO to meet the needs of our customers in this regard is to ensure the integrity of the Deposit Account system. Neither Mr. Ryan nor the law firm Wilmer, Cutler and Pickering were authorized to charge any funds to Deposit Account No. 08-2025 on 09 March 2001.

Basic Fee Timely Paid

Finally, counsel contends that "the basic fee should be deemed timely paid because in fact, the fee has already been paid - not once but twice." Id. at ¶ 12. Moreover, in the "Summary of Facts" listed in Appendix A, counsel claims that "[o]n March 12, 2002, in a telephone conference with Farah of the Deposit Account Department of the USPTO, it was learned that the basic national fee of $860.00 was charged to the HP deposit account no. 08-2025 on August 20, 2001."

However, a review of USPTO financial records for the above-captioned

application and checking with the Deposit Account Department of the USPTO reveals no record that the $860.00 basic national fee was charged to Deposit Account No. 08-2025 on 20 August 2001. The financial records simply show that the USPTO cashed a check for $860.00 on 20 August 2001 that was received on 15 August 2001.

Even if a record existed that the USPTO charged the basic national fee twice in the above-captioned application, the remedy is to reimburse the money. This would not affect the fact that this application was abandoned for failing to meet the requirements of 37 CFR 1.494(b)(2).

Accordingly, this argument is without merit.

WITHDRAW HOLDING OF ABANDONMENT

Applicants failed to show that Mr. Ryan or the law firm Wilmer Cutler and Pickering was authorized to charge the basic national fee to Deposit Account No. 08-2025 on 09 March 2001, applicants' request to withdraw the holding of abandonment is refused.

DECISION

For the reasons listed above, applicants' renewed petition under 37 CFR 1.182, and to withdraw the holding of abandonment are both **DISMISSED** without prejudice.

The above-captioned remains **ABANDONED**.

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. Applicants should consider filing a petition to revive the above-captioned application pursuant to 37 CFR 1.137(a) or 1.137(b).

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.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457

19 AUG 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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

John W. Ryan
WILMER CUTLER & PICKERING
2445 M Street, N.W.
Washington, D.C. 20037-1420

In re Application of :
PILU, Maurizio :
Application No.: 09/786,825 :
PCT No.: PCT/GB00/02621 :
Int. Filing Date: 07 July 2000 :
Priority Date: 09 July 1999 :
Attorney's Docket No.: 30980088US :
For: DOCUMENT IMAGING SYSTEM :

DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" filed on 18 June 2002 and again via facsimile on 30 July 2002 is hereby **GRANTED** as follows:

The appropriate basic national fee and petition fee have been paid. Applicant states that "[t]he entire delay in filing the required reply from the due date for the required reply until filing of a grantable petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3). A terminal disclaimer is not required in this case. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 07 July 2000, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of **15 August 2001**.

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

James Thomson
Attorney Advisor
PCT Legal Office

Tel.: (703) 308-6457

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
www.uspto.go

Paper No. 11

SEP - 8 2004

John W. Ryan
Wilmer Cutler & Pickering
2445 M Street, N.W.
Washington, D.C. 20037

In re Application of:	:	
Maurizio Pilu	:	
Application No. 09/786,825	:	DECISION ON REQUEST TO
Filed: April 10, 2003	:	WITHDRAW FROM RECORD
Attorney Docket No. 30980088US	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 10, 2003.

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 that can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above requirements. The request was signed by John. W. Ryan on behalf of all the attorneys of record in the above identified application and there is no outstanding Office action requiring a response by the applicant.

The request is approved.

The application currently has no attorney of record.

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

Inquiries related to this decision should be directed to Lissi Mojica Marquis at (571) 272-1596.

Lissi Mojica Marquis, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. BOX 272400
Fort Collins, Colorado 80527-2400

NOTICE RE: CERTIFICATES OF CORRECTION

DATE : 4-15-03 **Paper No.:** 10

TO : **Supervisor, Art Unit** 3765

SUBJECT : Certificate of Correction Request in Patent No.: 6487725

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

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

E. James

PLEASE COMPLETE THIS FORM AND RETURN WITH FILE, WITHIN 7 DAYS,
TO CERTIFICATES OF CORRECTION BRANCH - PK 3-915/922
PALM LOCATION 7580 - TEL. NO. 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:** It appears that the cancellation of claims should be done through Statutory Disclaimer under 37 CFR 1.321(a) [SEE MPEP 1490]

Insertion after title on ...

JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Supervisor

3765
Art Unit

DATE : 12-31-03 Paper No.:_____

TO : Supervisor, Art Unit 3765

SUBJECT : Certificate of Correction Request in Patent No.: 6487725

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

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

E. James
Reconsideration of Claims

PLEASE COMPLETE THIS FORM AND RETURN WITH FILE, WITHIN 7 DAYS, TO CERTIFICATES OF CORRECTION BRANCH - PK 3-915/922 PALM LOCATION 7580 - TEL. NO. 305-8309

THANK YOU FOR YOUR ASSISTANCE!

Note your decision, regarding the changes requested in the Request for Certificate of Correction, placing a check mark (✓) in the box that reflects your decision, which corresponds to the question check above.

☑ YES ☐ NO ☑ Comments below

☑ Comments: This request should be granted since applicant has provided proof that the USPTO did receive a Preliminary Amendment which was never matched with the file. The preliminary amendment cancelled originally filed claims 1-25.

JOHN J. CALVERT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

Supervisor

3765
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

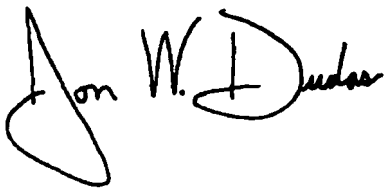
PATENT NO. : 6,487,725 B1
DATED : December 3, 2002
INVENTOR(S) : Omar P. Jordan

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

Column 9,
Line 47, please delete Claims 1-25.

Signed and Sealed this

Twenty-third Day of March, 2004



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

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : 6,487,725 B1
DATED : December 3, 2002
INVENTOR(S) : Omar P. Jordan

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

Column 1,
Line 3, after the title, please insert -- This application claims the benefit of International Application Number PCT/US99/20519, which was published in English on March 16, 2000. --

Signed and Sealed this

Seventh Day of October, 2003

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

PTO/SB/44 (02-01)
Approved for use through 01/31/2004. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO : 6,487,725 B1
DATED : December 3, 2002
INVENTOR(S) : Omar P. Jordan

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

Column 1, line 3: After the title, please insert--This application claims the benefit of International Application Number PCT/US99/20519, which was published in English on March 16, 2000.--

Column 9, line 47: Please delete Claim 1-25.

MAILING ADDRESS OF SENDER:
Michael W. Garvey
Pearne & Gordon LLP
526 Superior Ave. East, Suite 1200
Cleveland, Ohio 44114-1484

PATENT NO. 6,487,725

No. of additional copies
0

Burden Hour Statement: This form is estimated to take 1.0 hour to complete. Time will vary depending upon the needs of the individual case. Any comment on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

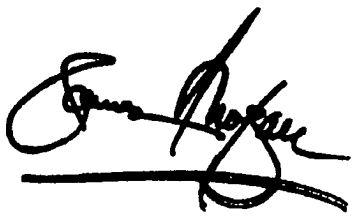
PATENT NO. : 6,487,725 B1
DATED : December 3, 2002
INVENTOR(S) : Omar P. Jordan

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

Column 1,
Line 3, after the title, please insert -- This application claims the benefit of International Application Number PCT/US99/20519, which was published in English on March 16, 2000. --

Signed and Sealed this

Seventh Day of October, 2003



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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:____

DATE : ~~4/29/08~~ 2/4/08

TO SPE OF : ART UNIT 1753

SUBJECT : Request for Certificate of Correction for Appl. No.: 9/786903 Patent No: 6942772 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: _____

_____

_____

_____

_____

Nam Nguyen
SPE

1795
Art Unit

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)
6735526	2004-05-11	09786905	2001-06-15	1101.100US01

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	/Ryan E. Strom/	Date (YYYY-MM-DD)	2008-09-30
Name	Ryan E. Strom	Registration Number	58525

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. 6735526
Issue Date: May 11,2004
Application No. 09786905
Filed: June 15,2001
Attorney Docket No. 1101.100US01

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

This is a decision on the electronic petition, filed September 30,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 30,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
www.uspto.go

Paper No. 11

DAVID R. SYROWIK
BROOKS & KUSHMAN P.C.
1000 TOWN CENTER, 22ND FLOOR
SOUTHFIELD, MI 48075

COPY MAILED

APR 0 8 2003

OFFICE OF PETITIONS

NOTICE

In re Application of :
Gerald F. Hermann et al :
Application No. 09/786,979 :
Filed: June 4, 2001 :
Attorney Docket No. GSIL 0189 PUSA :

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 1700.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

JUL 1 2 2001

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

Derek P. Freyberg
Heller Ehrman White & McAuliffe
275 Middlefield Road
Menlo, California 94025-3506

In re Application of :
SCHEEPENS et al. :
Application No.: 09/786,982 : DECISION ON PETITION
PCT No.: PCT/NZ99/00147 : UNDER 37 CFR 1.137(b)
Int. Filing Date: 03 September 1999 :
Priority Date: 03 September 1998 :
Attorney Docket No.: 37522-1006 :
For: NEUROPROTECTION

The petition to revive under 37 CFR 1.137(b) filed 12 March 2001 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that the "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted the basic national fee of $1000 and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being forwarded to the United States Designated/Elected Office (US/DO/EO) for continued processing including the issuance of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration along with the $130 surcharge for filing the oath or declaration after the thirty-month period is required.

Anthony Smith
Attorney-Advisor
PCT Legal Office
Telephone: (703) 308-6314
Facsimile: (703) 308-6459

OIPE JC157 MAY 10 2001 PATENT & TRADEMARK OFFICE

JC17 Rec'd PCT/PTO 10 MAY 2001

BOX PCT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	A. Uitterlinden et al.	Attorney Docket No: KILS117128
Application No:	09/786,991	Group Art Unit: --
Filed:	March 9, 2001	Examiner: --

Title: METHOD FOR DETERMINING SUSCEPTIBILITY TO BONE DAMAGE BY SCREENING POLYMORPHISMS IN THE VITAMIN D RECEPTOR GENE

RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS

Seattle, Washington 98101

TO THE COMMISSIONER FOR PATENTS:

A. Transmitted Herewith are the Following:

__X__ 1. An executed Combined Declaration and Power of Attorney in the above-identified U.S. National Phase patent application.

__X__ 2. A Sequence Listing in computer readable form and in paper copy form for the above-identified application as required by 37 C.F.R. §§ 1.821 - 1.825. Also a copy of Form PCT/DO/EO/920 (Notification to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures). The contents of the computer readable copy and paper copy of the sequence listing are the same and contain no new matter in accordance with §§ 1.821(f) and 1.821(g). Please enter the Sequence Listing into the specification.

__X__ 3. A certified copy of Great Britian Application No. GB9819769.2, filed 10 September, 1998, for which a claim of priority under 35 U.S.C. § 119 has been made.

__X__ 4. Small entity status is asserted for this matter.

__X__ 5. A copy of Form PCT/DO/EO/905 (Notification of Missing Requirements).

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

OIPE JC167 MAY 10 2001 PATENT & TRADEMARK OFFICE

COMPUTATION OF FEE

	Number Filed		Number Extra		Rate		Basic Fee 355.00
Total Claims	32 - 20	=	12	x	9.00	=	108.00
Independent Claims	4 - 3	=	1	x	40.00	=	40.00
Multiple Dependent Claims	---		---		135.00		135.00

Total Filing Fee	638.00
Surcharge Fee (65.00)	65.00
TOTAL	$703.00

B. Fees Enclosed

Enclosed is our Check No. 128122 in the amount of $703.00 to cover the Missing Parts fee.

C. Additional Fee Charges or Credit for Overpayment:

The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16, 1.17 and 1.18 which may be required during the entire pendency of the application, or credit any overpayment, to Deposit Account No. 03-1740. This authorization also hereby includes a request for any extensions of time of the appropriate length required upon the filing of any reply during the entire prosecution of this application. A copy of this sheet is enclosed.

Respectfully submitted,

CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC

Barry F. McGurl
Registration No. 43,340
Direct Dial No. 206.695.1775

05/14/2001 MNGUYEN 00000023 09786991

01 FC:967	108.00 OP
02 FC:965	40.00 OP
03 FC:969	135.00 OP
04 FC:254	65.00 OP
05 FC:959	355.00 OP

I hereby certify that this correspondence is being deposited with the U.S. Postal Service in a sealed envelope as first class mail with postage thereon fully prepaid and addressed to the Commissioner for Patents, Washington, D.C. 20231, on the below date.

Date: 5/7/01

BFM:jlj

LAW OFFICES OF
CHRISTENSEN O'CONNOR JOHNSON KINDNESS PLLC
1420 Fifth Avenue
Suite 2800
Seattle, Washington 98101
206.682.8100

UNITED STATES PATENT AND TRADEMARK OFFICE

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

U.S. APPLICATION NO.		FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/786991		UITTERLINDEN	A KILS117128

INTERNATIONAL APPLICATION NO.
PCT/EP99/07719

I.A. FILING DATE	PRIORITY DATE
10 SEP 99	10 SEP 98

BARRY F MCGURL
CHRISTENSEN O'CONNOR JOHNSON KINDNESS
SUITE 2800
1420 FIFTH AVENUE
SEATTLE, WA 98101

RECEIVED
DOCKETING
APR 23 2001
CHRISTENSEN, O'CONNOR
JOHNSON & KINDNESS

DATE MAILED: 19 APR 2001

DOCKETED

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- ☒ U.S. Basic National Fee.
- ☒ Copy of the international application.
- ☐ Oath or Declaration of inventors(s).
- ☐ Copy of Article 19 amendments.
- ☐ Priority Document.
- ☒ The International Preliminary Examination Report in English and its Annexes, if any.
- ☐ Translation of Annexes to the International Preliminary Examination Report into English.
- ☐ Indication of Small Entity Status.
- ☐ Translation of the international application into English.
- ☐ Translation of Article 19 amendments into English.
- ☐ Other:

2. ☒ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- ☐ U.S. Basic National Fee.
- ☐ Copy of the international application.

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- ☐ a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.
- ☐ b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).
- ☒ c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date.
  - ☐ The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.
- ☒ d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).

4. Additional claim fees of $_____ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.

5. ☒ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.

ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes MUST be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.

7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

A copy of this notice MUST be returned with this response.

Enclosed: ☐ PCT/DO/EO/917 ☐ Notice of Defective Translation
☐ PTO-875 ☒ PCT/DO/EO/920

Shakeel Ahmed

FORM PCT/DO/EO/905 (March 2001)

Telephone: 703-305-3659

JUN 2 0 2001

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Eugene C. Rzucidlo
TRAURIG & GREENBERG
885 Third Avenue, 21st Floor
New York, NY 10022

In re Application of:
ROTTEM, Shraga
U.S. Application No.: 09/787,034
PCT No.: PCT/US97/04127
International Filing Date: 06 March 1997
Priority Date: 06 March 1996
Attorney's Docket No.: 43581.010100
For: FETO-MATERNAL CALENDAR CALCULATOR

DECISION ON PETITION TO REVIVE ABANDONED APPLICATION UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 12 March 2001 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that the "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" meets the requirements of 37 CFR 1.137(b)(3).

Applicant has now submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the national stage in the United States of America.

Applicant has also submitted a declaration in compliance with 37 CFR 1.497. However, applicant has not authorized a Deposit Account charge for the $65 small entity surcharge required based on applicant's failure to file the declaration before the expiration of thirty months from the priority date.

This application is being returned to the National Stage Processing Division of the Office of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. 371(c) date is **12 March 2001.**

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

NOV 0 2 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DOUGLAS E. MORRIS
2702 TRIANA BOULEVARD, SUITE C
HUNTSVILLE, VA 22202

In re Application of KENNEDY et al.	:	DECISION ON
Application No.: 09/787,103	:	
PCT No.: PCT/ZA99/00085	:	PETITION UNDER
Int. Filing: 14 September 1999	:	
Priority Date: 14 September 1998	:	37 CFR 1.47(a)
Attorney Docket No.: KEN3/WAB	:	
For: VIDEO GAMING DEVICE AND COMMUNICATIONS SYSTEM	:	

Dear Mr. Morris:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. § 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Leonard E. Smith
Legal Examiner
PCT Legal Office

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

CMK/LES:cmk

Telephone: (703) 306-5467

WILLIAM A BLAKE
JONES TULLAR & COOPER
PO BOX 2266 EADS STATION
ARLINGTON, VA 22202

NOV 02 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WILLIAM A BLAKE
JONES TULLAR & COOPER
PO BOX 2266 EADS STATION
ARLINGTON, VA 22202

In re Application of KENNEDY et al.	:	DECISION ON
Application No.: 09/787,103	:	
PCT No.: PCT/ZA99/00085	:	PETITION UNDER
Int. Filing: 14 September 1999	:	
Priority Date: 14 September 1998	:	37 CFR 1.47(a)
Attorney Docket No.: KEN3/WAB	:	
For: VIDEO GAMING DEVICE AND COMMUNICATIONS SYSTEM	:	

This is a decision on applicant's petition under 37 CFR 1.47(a) filed in the United States Patent and Trademark Office (USPTO) on 25 July 2001. Applicant also requests a one month extension of time, which is granted.

BACKGROUND

On 25 July 2001, applicant, in response to 25 April 2001 Notification of Missing Requirements, filed the instant petition in an attempt to satisfy the requirements of 35 U.S.C. 371(c)(4). The petition requests the acceptance of the application without the signatures of inventors, Michael A. Morris and Douglas E. Morris on the grounds that the non-signing inventors refused to execute the declaration. The petition included the requisite petition fee, a verified statement of William A. Blake, attorney for applicant, regarding Messrs. Morris refusal to sign and a declaration signed by the 37 CFR 1.47(a) applicant, Julian J. Kennedy.

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 non-signing joint inventor(s) refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the non-signing inventor(s), and (4) an oath or declaration by each available joint inventor on his or her own behalf and on behalf of the non-signing joint inventor(s).

As for item (1), the fee of $130 has been paid. With respect to item (3), a statement of the last known address of the non-signing inventor(s) has been provided. As for item (4), an oath or declaration by joint inventor Julian J. Kennedy on his own behalf and on behalf of the non-signing joint inventor(s) has also been submitted.

With respect to item (2), Petitioner has submitted a statement in support of the petition under 37 CFR § 1.47(a)(2) executed by Mr. Blake, having first hand knowledge. Mr. Blake provided a copy of a letter dated May 17, 2001 and sent to the last known address of both of the non-signing inventors. The letter indicated that a copy of the PCT publication and a declaration and power of attorney were enclosed. According to Mr. Blake's statement, the papers were returned in the unopened envelope marked, "NOT DELIVERABLE AS ADDRESSED; UNABLE TO FORWARD". A copy of the envelope accompanied the petition.

Thereafter, on 07 June 2001, Mr. Blake sent an E-mail to Michael Morris, stating that an executed declaration and power of attorney were required to continue prosecution of the application. Mr. Blake stated: "We attempted to send this document to your last known address, 2702 Triana Boulevard, Suite C, Huntsville, AL 35805, but it was returned marked "unable to forward". I would therefore appreciate it if you could provide me with an address where the document can be sent." By return E-mail, Michael Morris replied: "we will not execute any further assignments until our equipment...is paid for or return [sic] in worked order". Mr. Morris did not provide a mailing address.

By return E-mail, Mr. Blake responded: that "the document in question is not an assignment, but an inventor declaration and power of attorney that confirms you are an inventor and gives our firm power to prosecute the application. However, I assume from what you said, that you will not execute any further documents for this case."

Petitioner has now demonstrated that: (1) a *bona fide* attempt was made to present a copy of the application papers for U.S. application 09/787,103 (specification, including claims, drawings, and declaration) to the nonsigning inventors for their signatures, sent to their last known mailing address and (2) Mr. Morris' refusal to sign these documents as evidenced in his E-mail dated 07 June 2001 by not providing a "good" mailing address.

In sum, the evidence submitted indicates that applicants made diligent efforts to reach the non-signing inventors and supports a finding that the nonsigning inventors refuse to sign the application for the reasons set forth above. Accordingly, it is appropriate to accord the national stage application status under 37 CFR §1.47(a) at this time.

CONCLUSION

The petition under 37 CFR §1.47(a) is **GRANTED**.

The U.S. Designated/Elected Office is authorized to accept the application as a 37 CFR 1.47(a) application using the declaration filed 07 June 2001 and to mail a filing receipt. The application has an international filing date of 14 September 1999 under 35 U.S.C. 363, and a date of 07 June 2001 under 35 U.S.C. 371(c).

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 his last known address of record. Also, a notice of the filing of this application will be published in the Official Gazette.

The application is being returned to the International Division for processing as the U.S. National Stage of the above-identified international application.

Leonard E. Smith
Legal Examiner
PCT Legal Office

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

CMK/LES:cmk

Telephone: (703) 306-5467

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCULLY SCOTT MURPHY & PRESSER PC
400 GARDEN CITY PLAZA
SUITE 300
GARDEN CITY, NY 11530

COPY MAILED

MAR 0 8 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of
Louis Schofield
Application No. 09/787,111
Filed: May 14, 2001
Attorney Docket No. 18861

This is a decision on the petition, filed January 9, 2006 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

A non-Final Office Action was mailed November 17, 2004. A response was due not later than February 17, 2005. A response in the form of an amendment was filed May 20, 2005 (May 17, 2005 certificate of mail date) with a three month extension of time request. However, on May 27, 2005 the applicant was advised that the amendment filed was non-compliant under 37 CFR 1.121. The time for response was one month from the mailing of the May 27, 2005 Notice. No timely response having been filed, the application became abandoned June 28, 2005 and accordingly, a Notice of Abandonment was mailed December16, 2005.

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

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

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

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

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

A supplemental amendment is submitted with the petition to revive.

This matter is being referred to Technology Center 1645 for processing of the amendment.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

COPY MAILED

MAR 1 8 2004

OFFICE OF PETITIONS

In re Application of :
Honchin En, et al. :
Application No. 09/787,139 : ON PETITION
Filed: March 14, 2001 :
Attorney Docket No. Q63452 :

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 March 8, 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 on December 11, 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.

The application is being forwarded to Technology Center AU 2827 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 indicted as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language on 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

GARY W MCFARRON
COOK ALEX MCFARRON MANZO
CUMMINGS & MEHLER
200 WEST ADAMS STREET, SUITE 2950
CHICAGO, IL 60606

COPY MAILED

OCT 1 8 2005

OFFICE OF PETITIONS

In re Application of :
Ulrich Muller et al :
Application No. 09/787,172 : ON PETITION
Filed: June 12, 2001 :
Attorney Docket No. MULL 101 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 28, 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 March 7, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 8, 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 an Amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of March 7, 2005 is accepted as having been unintentionally delay.

The request for continued examination (RCE) filed on September 28, 2005 under 37 CFR 1.114 is improper and will not be processed, the $790 fee submitted therefor will be credited to petitioner's Deposit Account No. 50-1039.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 2625.

Wan Laymon
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

EDWARDS & ANGELL
P.O. BOX 55874
BOSTON MA 02205

COPY MAILED

MAY 17 2005

OFFICE OF PETITIONS

In re Application of :
Ichiro Hirao et al :
Application No. 09/787,196 : ON PETITION
Filed: April 26, 2001 :
Attorney Docket No. 55729 :

This is a decision on the petition, filed May 10, 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 10, 2005 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 1623 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 9

JERROLD J. LITZINGER
2134 MADISON ROAD
CINCINNATI, OH 45208

COPY MAILED

MAR 1 1 2004

OFFICE OF PETITIONS

In re Application of :
Bhadra et al. :
Application No. 09/787,244 : ON PETITION
Filed: May 16, 2001 :
Attorney Docket No. M41.1 :

This decision concerns the February 23, 2004 petition under 37 CFR 1.137(b).

The petition is **GRANTED.**

The application became abandoned on May 29, 2003 for failure to timely submit a proper reply to the February 28, 2003 non-final Office Action.

The instant petition encloses an amendment as reply to the February 28, 2003 non-final Office Action; authorizes the USPTO to charge the $1,330 petition fee to Deposit Account No. 13-2546; and states that the entire delay in filing a proper reply from the due date until the filing of a grantable §1.137(b) petition was unintentional. The petition is thus granted.

In addition, the practitioner signing the petition uses a correspondence address different from that in the USPTO record, and does not appear to have a power of attorney from Assignee on matters regarding this application before the USPTO. While a courtesy copy of this decision is being mailed to the address indicated in the petition, all future correspondence on this application will be addressed to the address-of-record unless the USPTO is properly instructed otherwise.

The application file is being returned to Technology Center 3700 for further examination.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions

cc: Keith M. Campbell, Esq.
MEDTRONIC, INC.
710 Medtronic Parkway N.E.
M.S. LC340
Minneapolis, MN 55432-5604
Docket No. P-10854.00US

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JERROLD J. LITZINGER
2134 MADISON ROAD
CINCINNATI OH 45208

COPY MAILED

AUG 10 2005

OFFICE OF PETITIONS

In re Application of :
Narendra Bhadra et al :
Application No. 09/787,244 : DECISION GRANTING PETITION
Filed: May 16, 2001 : UNDER 37 CFR 1.137(b)
Attorney Docket No. M41.1 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 2, 2005, 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 nonfinal Office action of September 20, 2004, 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 Technology Center AU 3762.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS, MN 55440-1022

COPY MAILED

MAY 19 2006

OFFICE OF PETITIONS

In re Application of :
Philip Marriott :
Application No. 09/787,358 : ON PETITION
Filed: May 15, 2001 :
Attorney Docket No. 14544-002001

This is a decision on the petition filed, May 12, 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 9, 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 2881 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

cc: Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, CA 94063

[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

Date : May 20, 2007

Patent No. : 7202470 B1
Inventor(s) : Marriott
Issued : Apr. 10, 2007
Title : **MEANS FOR REMOVING UNWANTED IONS FROM AN ION TRANSPORT SYSTEM MASS SPECTROMETER**
Docket No. : 1568US/PCT

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 denied.

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.

Elisha Evans
For Cecelia Newman
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110

Thermo Fisher Scientific Inc.
ATTN: IP Department
355 River Oaks Parkway
San Jose, CA 95134

CBN/eme

SEP 14 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Arter & Hadden LLP
1100 Huntington Building
925 Euclid Avenue
Cleveland, OH 44115-1475

In re Application of NAIR et al
U.S. Application No.: 09/787,368
Int. Application No.: PCT/AU99/00653
Int. Filing Date: 11 August 1999
Priority Date: 12 August 1998
Attorney Docket No.: 071550.0023
For: PURIFICATION OF BLOOD CLOTTING PROTEINS

DECISION ON PETITION

UNDER 37 CFR 1.137(b)

This is in response to applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)" filed 14 March 2001.

BACKGROUND

On 11 August 1999, applicants filed international application PCT/AU99/00653, which claimed priority of an earlier Australia application filed 12 August 1998. A copy of the international application was communicated to the USPTO from the International Bureau on 24 February 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 06 January 2000, 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 12 February 2001.

International application PCT/AU99/00653 became abandoned as to the United States at midnight on 12 February 2001 for failure to pay the basic national fee.

On 14 March 2001, applicants filed the present petition. The petition states that it is accompanied by a continuation application filed under 37 CFR 1.53(b), the petition fee set forth in 37 CFR 1.17(m), and a statement that "the entire delay in filing such a U.S. National Phase application or such a U.S. continuation application from the due date for such filing until the filing of a grantable petition, namely this Petition, under 37 C.F.R. § 1.137(b), was unintentional."

DISCUSSION

Under 37 CFR 1.137(b), a petition requesting that an application be revived on the grounds of unintentional abandonment must be accompanied by: (1) the required reply unless

previously filed, (2) the petition fee as set forth in 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 was unintentional, and (4) a terminal disclaimer if the application was filed before 08 June 1995.

With regard to item (1), the filing of the present continuation application under 35 U.S.C. 111 and 37 CFR 1.53(b) is accepted as the appropriate response under 37 CFR 1.137(b).

With regard to item (2), applicants have provided the required petition fee.

With regard to item (3), the petition states, "the entire delay in filing such a U.S. National Phase application or such a U.S. continuation application from the due date for such filing until the filing of a grantable petition, namely this Petition, under 37 C.F.R. § 1.137(b), was unintentional." This statement is interpreted 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 under 37 CFR 1.137(b) was unintentional. If this is an incorrect interpretation in view of the rules, petitioner is required to provide a statement to that effect.

With regard to item (4), because the international application was filed after 08 June 1995, no terminal disclaimer is required.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.137(b) is GRANTED.

International application PCT/AU99/00653 is being revived for purposes of continuity only and since continuity has been established by this decision reviving the international application, the international application is again abandoned in favor of the present U.S. continuation application number 09/787,368.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision and will thereafter be forwarded to the Office of Initial Patent Examination for further processing and review as an application filed under 35 U.S.C. 111.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

UNITED STATES
PATENT AND
TRADEMARK OFFICE

JUL 2 2003

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

CSABA HENTER
MILLEN, WHITE, ZELANO & BRANIGAN
ARLINGTON COURTHOUSE PLAZA I
2200 CLARENDON BOULEVARD, SUITE 1400
ARLINGTON, VA 22201

#19

In re Application of :
Peter Holscher et al :
Serial No.: 09/787,396 : PETITION DECISION
Filed: March 19, 2001 :
Attorney Docket No.: SCH-1706 :

This is a decision on the petition under 37 CFR 1.181, filed April 15, 2003, to withdraw an election/restriction (sic - Lack of Unity) requirement as improper.

BACKGROUND

A review of the file history shows that this application was filed under 35 U.S.C. 371 as the National Phase of PCT/EP99/07089 with claims 1-15. A preliminary amendment filed with the application was never entered. In a first Office action mailed to applicants on November 30, 2001, the examiner held Lack of Unity between Group I, oxazines, Group II, thiazines, and Group III, selinazines for claims 1-10, holding claims 11-13 as non-statutory, claim 14 as directed to multiple uses and claim 15 to an apparent starting material.

Applicants replied on December 20, 2001, electing Group I to oxazines, offering a perfunctory traverse that the examiner had not sustained a serious burden for examining all claims.

On February 19, 2002, the examiner mailed a new Office action maintaining the Lack of Unity for reasons of record and holding claims 11-15 as non-elected. Claims 1-10 were rejected under 35 U.S.C. 112, first and second paragraphs as indefinite and lacking description in the specification. Claims 1-10 were also rejected under 35 U.S.C. 103 as unpatentable over WO/98/50372. Claim 10 was also indicated as not complying with 37 CFR 1.141.

Applicants replied on February 19, 2002, amending claims 1 and 6-15, canceling claims 2-5 and adding claims 16-18. Applicants addressed by amendment many of the rejections under 35 U.S.C. 112, first and second paragraph by limiting the claims to oxazines. The objection to claim 10 under 37 CFR 1.141 as also addressed. A certified translation was supplied to overcome the rejection under 35 U.S.C. 103.

The examiner mailed a new Office action to applicants on July 17, 2002, examining claims 1, 6-10 and 16-18. Claims 11-15 were maintained as non-elected. Claims 1, 6-10 and 16-18 were again rejected under 35 U.S.C. 112, first and second paragraph. No mention of the Lack of Unity requirement was made.

Applicants replied on October 17, 2002, by further amending claims 1, 6 and 18, canceling claim 16 and adding claims 19-22. The rejections under 35 U.S.C. 112, first and second paragraphs were addressed. No mention of the restriction requirement was made.

The examiner mailed a new Office action to applicants on November 5, 2002, rejecting claim 1 under 35 U.S.C. 103 over the compounds excepted by provisos based on similarity thereto.

Applicants replied on March 5, 2003, by further amending claim 1 without further argument.

The examiner mailed a new Office action to applicants on March 18, 2003, setting a one month shortened statutory period for reply indicating claims 1, 6-10 and 17-22 allowable and requiring cancellation of non-elected claims 11-15.

DISCUSSION

Applicants request that the examiner be directed to examine claims 11-15. It is noted that applicants made only a perfunctory traverse of the Lack of Unity requirement in replying thereto and the traverse appears to be related to the reasons for restriction under 35 U.S.C. 121 and 37 CFR 1.141. An issue was raised by the examiner under 37 CFR 1.141 in the next Office action and addressed by applicants. No other reply continues the traversal of the requirement.

Applicants argue that examination of all claims would not constitute an undue burden on the Office or examiner. However this standard is not applicable in cases filed under 35 U.S.C. 371. In this instance Lack of Unity is the applicable standard and PCT Rule 13 sets forth general guidelines for making a Lack of Unity holding. Therein it is noted that a compound and/or its composition initially should be found to have unity with an especial process for making the compound or composition and an especial process for using the compound or composition.

In the first Office action claims 11-15 were held to be non-statutory (11-13), directed to multiple processes of making (14) and a starting material (15). Following election of the oxazine compounds examination commenced on the elected compounds, claims 11-15 being held as non-elected (or improper). Following a first action on the merits, extensive amendments were made to the claims, including claims 11-15. Claim 11 was placed in proper format as a pharmaceutical composition based on the compound. Claims 12-13 were amended to claim an especial use of the composition. Claim 14 was drafted to an especial process for making the compound and claim 15 was drafted to claim a starting material or intermediate for preparing the compounds. However, the examiner continued to hold these claims as non-elected.

It is well established that a composition claim cannot be separated from the compound on which it is based, especially where the additional components of the composition lend no patentable weight to the determination of patentability, as here. Only commonly accepted adjuvants, etc., are set forth as components of the composition based on the compound. Thus claim 11 is properly

examined with the compound. Claims 12-13 are directed to the use of the composition for a specific treatment and should also be examined with the compound/composition claims in accordance with the guidelines of PCT Rule 13.

Claim 14 is directed to an especial method of making the final compound and thus qualifies under the guidelines of PCT Rule 13 to be examined with the compound of claim 1.

Claim 15, however, is shown as a starting material (or intermediate) in the preparation of the compounds of claim 1 and, as argued by applicants, should also be included with examination of the compounds of claim 1. However, a review of claim 15 shows that it is directed to both oxazine and thiazine precursor compounds. As such it is not directed solely to the compounds of claim 1 and may therefor be excluded from examination. If amended to be limited to precursors of claim 1 only it would be examinable with the compounds of claim 1.

Applicants' petition under 37 CFR 1.181 is **GRANTED-IN-PART.**

The last Office action is withdrawn and the application will be returned to the examiner for examination of claims 11-14 in addition to claims 1, 6-10 and 17-22, already examined. If properly amended, claim 15 would also be subject to examination.

Should there be any questions with respect to 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.

Bruce M. Kisliuk
Director, Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 10/23/06

Paper No.: ~~

TO SPE OF : ART UNIT 2621

SUBJECT : Request for Certificate of Correction for Appl. No.: 9/782,627 Patent No.: 7,050,701 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: _____

THAO T. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

SPE

2621
Art Unit

26 MAR 2003

UNITED STATES PATENT AND TRADEMARK OFFICE

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

26 MAR 2003

Corporate Patent Counsel
Philips Electronics North America Corp.
580 White Plains Road
Tarrytown, NY 10591

In re Application of :
ADELERHOF, et al. :
Application No.: 09/787,457 : DECISION ON PETITION
PCT No.: PCT/EP00/06816 :
Int. Filing Date: 17 July 2000 : UNDER 37 CFR 1.181
Priority Date: 22 July 1999 :
Attorney Docket No.: PHN 17,556 :
For: METHOD OF MANUFACTURING A :
MAGNETIC TUNNEL JUNCTION :
DEVICE :

This decision is in response to applicant's "Petition to Withdraw Holding of Abandonment Based on Failure to Reply to Notice to File Missing Parts " filed in the United States Patent and Trademark Office (USPTO) on 06 February 2003.

BACKGROUND

On 17 July 2000, applicant filed international application PCT/EP00/06816, which claimed priority of an earlier application filed 22 July 1999. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 01 February 2001. A Demand for international preliminary examination, in which the United States was elected, was not filed on prior to the expiration of nineteen months from the priority date. Accordingly, the twenty-month period for paying the basic national fee in the United States expired at midnight on 22 March 2001.

On 19 March 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia:* the requisite basic national fee as required by 35 U.S.C. 371(c)(1); an Information Disclosure Statement; a copy of the International Application as published and a signed combined declaration and power of attorney.

On 06 July 2001, applicant was mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905). Applicant was given two months to respond and advised that this time period could be extended with a proper petition and payment of fees. Box 3 of the Form PCT/DO/EO/905 was not checked detailing what item was missing.

On 02 December 2002, applicant was mailed a NOTIFICATION OF ABANDONMENT

(Form PCT/DO/EO/909) informing applicant that applicant had failed to respond to the NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 06 July 2001 within the time period set therein and that above-identified application was abandoned as to the United States.

On 06 February 2003, applicant responded with the present petition.

DISCUSSION

A review of the application file reveals that all of the requirements of 35 U.S.C. 371 for entry into the national stage in the United States were satisfied with the initial filing of 19 March 2001. As such, it is clear that the NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) mailed 06 July 2001 was mailed in error.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED.**

The "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371" mailed on 06 July 2001 is hereby **VACATED**.

The application has an international filing date of **17 July 2000** under 35 U.S.C. 363 and will be given a date of **19 March 2001** under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
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
www.uspto.gov

Paper No.

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

COPY MAILED

JUL 10 2006

OFFICE OF PETITIONS

In re Application of :
Cherif Cheikh et al. : DECISION ON PETITION
Application No. 09/787,508 :
Filed: May 10, 2001 :
Atty Docket No. BET01/0233 :

This is a decision on the PETITION TO REVIVE UNDER 37 CFR §1.137(b) filed June 6, 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 August 10, 2005. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under §1.136(a). An amendment, made timely by an extension of time for response within the third month, was filed on February 10, 2006, but was deemed by the examiner not to place the application in condition for allowance (Advisory Action mailed February 24, 2006). No further reply timely filed and no further extension of time obtainable, the application became abandoned effective February 11, 2006. A courtesy Notice of Abandonment was mailed on March 22, 2006.

The petition includes the required reply in the form of a Request for Continued Examination (RCE), RCE fee and submission under §1.114; the required statement of unintentional delay; and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required.

Technology Center AU 3763 has been advised of this decision. The application is, thereby, forwarded to the examiner for consideration of the reply submitted on petition filed June 6, 2006.

Telephone inquiries specific 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

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

Paper No.

YOUNG & THOMPSON
745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

COPY MAILED

DEC 14 2007

OFFICE OF PETITIONS

In re Application of :
Cherif Cheikh et al. : DECISION ON PETITION
Application No. 09/787,508 :
Filed: May 10, 2001 :
Atty Docket No. BET01/0233 :

This is a decision on the PETITION TO REVIVE UNDER 37 CFR §1.137(b) filed September 17, 2007.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a reply to the non-final Office action mailed November 2, 2006. This Office action set a shortened statutory period for reply of three (3) months, with extensions of time obtainable under §1.136(a). No reply timely filed and no extension of time obtainable, the application became abandoned effective February 3, 2007. A courtesy Notice of Abandonment was mailed on May 16, 2007.

The petition includes the required reply in the form of an amendment[1]; the required statement of unintentional delay; and payment of the petition fee set forth in 37 CFR § 1.17(m). No terminal disclaimer is required.

Technology Center AU 3763 has been advised of this decision. The application is, thereby, forwarded to the examiner for

[1] Petitioner also submitted a Request for Continued Examination (RCE). However, an RCE is only proper when prosecution is closed. Thus, it is not a proper reply to a non-final Office action.

consideration of the amendment submitted on petition filed September 17, 2007.

Telephone inquiries specific to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

02 AUG 2002
UNITED STATES PATENT AND TRADEMARK OFFICE

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

Andrew D. Meikle
BIRCH, STEWART, KOLASH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of :
Grue-Sorensen et al. :
Application No.: 09/787,548 :
PCT No.: PCT/DK01/00069 :
Int. Filing Date: 31 January 2001 :
Priority Date: 31 January 2000 :
Attorney Docket No.:3893-0112P :
For: USE OF VITAMIN D-DERIVATIVES IN THE :
TREATMENT OF OSTEOPOROSIS AND RELATED :
BONE DISORDERS, AS WELL AS NOVEL VITAMIN :
D3-DERIVATIVES :

DECISION ON PETITION

UNDER 37 CFR 1.181

This decision is in response to applicants' "Letter In Response To Outstanding Office Action" filed 21 March 2002 which is being treated as a petition under 37 CFR 1.181 requesting that the Office action mailed 21 December 2001 be vacated and that the instant application file be corrected such it is based on international application PCT/DK01/00069.

BACKGROUND

On 31 January 2001, applicants filed international application PCT/DK01/00069 which claimed priority to an earlier United States application filed 31 January 2000.

On 20 March 2001, applicants filed a Transmittal Letter for entry into the national stage in the United States under 35 U.S.C. 371 accompanied by, *inter alia*, a check for $1000.

On 07 May 2001, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements Under 35 U.S.C. 371 In The United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and a surcharge under 37 CFR 1.492(e) were required.

On 05 June 2001, the DO/EO/US mailed a Notification Of Acceptance Of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495 (Form PCT/DO/EO/903) indicating a date of completion of all 35 U.S.C. 371 requirements as 29 May 2001.

On 21 December 2001, the United States Patent and Trademark Office (PTO) issued a

first Office action on the merits.

On 21 March 2002, applicants filed the instant petition. The petition effectively requests that the Office action mailed 21 December 2001 be vacated because the content of the Office action clearly does not correspond to the subject matter or content of applicants' application.

On 24 June 2002, applicants submitted a copy of a PTO date-stamped receipt, a copy of a paper entitled "Filing Of Item(s) Late In PCT/USA National Case", a copy of a declaration of the inventors, and a statement indicating that the attached items are true copies of those originally submitted on 29 May 2001.

DISCUSSION

MPEP at section 503 states, in part:

> "A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO."

Applicants' receipt lists a 2 page declaration and a check for $1216 and includes a PTO date stamp of 29 May 2001.

PTO financial records indicate receipt of $1216 on 29 May 2001. Additionally, the a file contents section of the file lists a "declaration 29 May 2001" even though one is not present in the file wrapper.

The evidence is sufficient to establish that the executed declaration and $1216 were filed on 29 May 2001.

A thorough review of the file reveals that the US national stage application was constructed using the incorrect international application and that the Office action mailed 21 December 2001 was not based on applicants' invention as originally filed as international application PCT/DK01/00069.

CONCLUSION

In view of the above, applicants' petition is **GRANTED**.

The Office action mailed 21 December 2001 is hereby **vacated**.

The application is being returned to the DO/EO/US for correction of the file contents, specifically for insertion of the PCT Article 20 papers corresponding to international application PCT/DK01/00069 into the instant application.

The application will then be forwarded to the appropriate Technology Center for examination on the merits.

Michael A. Neas
PCT Special Program Examiner
Office of PCT Legal Administration

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: (703) 308-0954
Facsimile: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Patent No. 6541978
Issue Date: April 1,2003
Application No. 09787570
Filed: July 18,2001
Attorney Docket No. 9320.122USWO

:
: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.

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)
6541978	2003-04-01	09787570	2001-07-18	

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	/Benoît Castel/	Date (YYYY-MM-DD)	2007-07-12
Name	Benoît CASTEL	Registration Number	35041

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

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

COPY MAILED

MAR 3 0 2009

OFFICE OF PETITIONS

In re Application of
Wikstrom, et al.
Application No. 09/787,647
Filed: 9 August, 2001
Attorney Docket No. 2923-727

DECISION ON PETITION

This is a decision on the petition filed 28 October, 2008, and pursuant to 37 C.F.R. §1.183 to suspend the rules requiring the signature of all inventors for a declaration pursuant to 37 C.F.R. §1.131.

The petition pursuant to 37 C.F.R. §1.183 is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 C.F.R. 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.183." Any extensions of time will be governed by 37 C.F.R. §1.136(a).

This is **not** a final agency action within the meaning of 5 U.S.C. §704.

This application was filed on 9 August, 2001, and an executed oath/declaration was filed on that date, naming Peter Wikström, Helmut Vieweg and Jörg Stürzbecher as joint inventors.

On 28 October, 2008, a declaration under 37 C.F.R. §1.131 signed by joint inventors Peter Wikström and Helmut Vieweg only, was filed.

Petitioner files the present petition to waive the signature requirement of joint inventor Jörg Stürzbecher, and in support of the petition sets forth that inventor Jörg Stürzbecher is deceased.

ANALYSIS

Suspension of the rules under 37 C.F.R. §1.183 may be granted in an "extraordinary situation, when justice requires."

The facts presented on the record do not adequately establish an extraordinary situation: Petitioner has yet to establish sufficiently special circumstances that would require suspension of the rules in the interests of justice.

Specifically, Petitioner's has made no showing of diligent efforts to locate and obtain the joinder of the legal representative of (the estate of) inventor Jörg Stürzbecher. (*See*, MPEP § 409.03(d).)

Where an inventor is unavailable—e.g, as here wherein the co-inventor is said to be deceased—Petitioner must establish the exercise of diligent effort in trying to find or reach the nonsigning inventor, or, as in this case, the legal representative thereof. A statement of facts should be submitted from a person with first hand knowledge of the facts relied upon that fully describes the exact facts which are relied on to establish that a diligent effort was made to locate the inventor or the legal representative thereof. (*See*, MPEP § 409.03(d).)

Copies of the results of such searches must be referred to in any renewed petition. It is important that the forthcoming communication contain statements of fact as opposed to conclusions. (*See*, MPEP § 409.03(d).)

Here, Petitioner provides on information and belief, that inventor Jörg Stürzbecher is deceased—and that information is not questioned if for no other reason than the representation has been made by one registered to practice before the Office and over the Practitioner's signature and registration number.

However, there is no showing of an attempt to contact the legal representative of the deceased inventor.

Moreover, Petitioner has not provided any copies of the communications in such an effort.

Petitioner must evidence a diligent effort to identify and locate the legal representative of the deceased inventor. Petitioner must send the declaration to the legal representative of the deceased inventor at that address.

NOTE: If the legal representative of the deceased inventor refuses orally, Petitioner should submit details of the refusal in an affidavit or declaration of facts by a person having first-hand knowledge of the refusal.

Further, Petitioners always are reminded that for transmission by Email of any document to be accepted by the Office, written acknowledgment of receipt and readability will be required.

The availability of applications and application papers online to applicants/practitioners who diligently associate their Customer Number with the respective application(s) now provides an applicant/practitioner on-demand information as to events/transactions in an application. Thus, now if one wishes to know the progress in and/or status of an application or the accuracy of the data therein, one need only look at the file online.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice *and* all others who make representations before the Office must inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[1]

CONCLUSION

The petition is **dismissed** without prejudice.

With any request for reconsideration, Petitioner **must** include the necessary statements and copies of supporting documents.

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

By hand: Customer Service Window
Mail Stop Petition
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[2]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[2] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

Pet. Acc.

UNITED STATES PATENT AND TRADEMARK OFFICE

Technology Center 1700

JUN 29 2004

Mailed:_____

rvk

Paper Number: ____

In re application of :
Robert DeHann et al : DECISION ON
Serial No. 09/787,668 : PETITION
Filed: June 08, 2001 :
For: PROCESS FOR PRODUCING MIDDLE DISTILLATES AND MIDDLE DISTILLATES PRODUCED BY THAT PROCESS :

This is a response to the PETITION UNDER 37 CFR 1.181(a) TO WITHDRAW HOLDING OF ABANDONMENT, filed April 15, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of March 16, 2004, for failure to timely file a proper response to the Office letter dated July 02, 2003 be withdrawn. The petitioner asserts that applicants timely filed a proper response and a Petition for Extension of Time to the Office letter of July 02, 2003 on August 19, 2003.

DECISION

The instant request is accepted as a timely petition under 37 C.F.R. 1.181 (no fee).

A review of the petitioner's evidence provided with the instant petition indicates that the request has merit. The evidence presented is sufficient to establish that the applicants did file the proper response to the Office letter of July 02, 2003 in a timely manner. The evidence provided includes: 1) a copy of the response and accompanying papers filed August 19, 2003 (Exhibit B); and 2) a copy of the returned stamped postcard confirming receipt of the Response to Restriction Requirement, Petition for one Month Extension of Time, Check in the amount of $110.00 and Transmittal letter by the USPTO dated August 19, 2003 (Exhibit C).

Therefore, the abandonment is hereby withdrawn, and the application is returned to pending status. The application will be forwarded to the Technical Support Staff

for entering of the Response dated August 19, 2003 and then forwarded to the examiner for prompt consideration.

The Petition is **GRANTED**.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

BRIAN H. BATZLI
P.O.BOX 2903
MINNEAPOLIS, MN 55402-0903

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

Robert D. Shedd
Thomson Licensing LLC
CN 5312
Princeton, NJ 08543-0028

Mail Date: 04/23/2010

Applicant	: Sylvain Chevreau	: DECISION ON REQUEST FOR
Patent Number	: 7631358	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 09/787,722	: OF WYETH
Filed	: 03/21/2001	:
		:

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

#10

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

WESTERNGECO L.L.C.
10001 RICHMOND AVENUE
(P.O. BOX 2469, HOUSTON, TX 77252-2469, U.S.A.)
HOUSTON, TX 77042

Paper No. 10

In re Application of :
Oyvind Hillesund :
Application No. 09/787,723 :
Filed: July 2, 2001 :
For: CONTROL SYSTEM FOR POSITIONING MARINE SEISMIC STREAMERS

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in reply applicant's Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 filed in the United States Patent and Trademark Office on October 16, 2003.

The petition is **DISMISSED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the Office action dated February 26, 2003 and a Notice to that effect was mailed on October 7, 2003.

Petitioner states that a response was filed on May 27, 2003 by facsimile transmission. The copy of the response submitted with the petition includes a Certificate of Transmission dated May 27, 2003.

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 May 27, 2003 date cannot be relied upon as proof of timely filing the response. See section 512 of the MPEP.

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(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."

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

KJD/cps: 2/4/04

#12
DW

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OCT 18 2004

Westerngeco L.L.C.
10001 Richmond Avenue
(P.O. Box 2469, Houston, TX 77252-2469, U.S.A.)
Houston, TX 77042

MAILED

OCT 18 2004

OFFICE OF THE DIRECTOR
TC 3600

In re Application of :
Oyvind Hillesund :
Application No. 09/787,723 :
Filed: July 2, 2001 :
For: CONTROL SYSTEM FOR POSITIONING OF MARINE SEISMIC STREAMERS

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in reply to the petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office, on September 23, 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 May 27, 2003 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/rwg: 10/13/04

STEVEN N. MEYERS
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 3600

10 JUL 2003
UNITED STATES PATENT AND TRADEMARK OFFICE

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

KATTEN MUCHIN ZAVIS
525 WEST MONROE STREET SUITE 1600
CHICAGO, IL 60661-3693

In re Application of	:	
SNELGROVE et al.	:	
Application No.: 09/787,759	:	DECISION
PCT No.: PCT/CA99/00873	:	
Int. Filing Date: 24 September 1999	:	
Priority Date: 25 September 1998	:	
Attorney Docket No.: 13222.00039	:	
For: TELECOMMUNICATION SERVICES	:	

This decision is in response to applicants' "PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW NOTICE OF ABANDONMENT" filed 10 December 2002.

BACKGROUND

On 24 September 1999, applicants filed international application PCT/CA99/00873, which claimed a priority date of 25 September 1998. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 06 April 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 20 April 2000, 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 26 March 2001 (25 March 2001 being a Sunday).

On 22 March 2001, applicants filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee.

On 17 April 2001, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date were required. This Notification set a two-month extendable period for reply.

On 19 November 2002, the USPTO mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) indicating that the above-identified application was abandoned as to the United States of America for failure to respond to the NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 mailed 17 April 2001.

On 10 December 2002, applicants filed the instant "PETITION UNDER 37 C.F.R. § 1.181 TO WITHDRAW NOTICE OF ABANDONMENT", which was accompanied by, *inter alia*, a statement of Richard P. Bauer and a copy of the docket records for the date on which the response was due (17 June 2001) showing all cases for the practitioner's law firm that had a response due on that date.

DISCUSSION

If applicants can establish nonreceipt of the NOTIFICATION OF MISSING REQUIREMENTS, then the application was never abandoned. In such case, the holding of abandonment will be withdrawn pursuant to 37 CFR 1.181. See MPEP § 711.03(c), para. II.

The showing required to establish nonreceipt of an Office communication is set forth in the notice entitled *Withdrawing the Holding of Abandonment When Office Actions Are Not Received*, 1156 O.G. 53 (Nov. 16, 1993). The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

As to (1), practitioner's statement that "[t]he PTO Notice of Missing Requirements purportedly mailed April 17, 2001, was not received" is construed as satisfying this requirement. If this interpretation is incorrect, practitioner must notify the Office of PCT Legal Affairs immediately.

As to (2), practitioner states that "after a personal search of the file jacket and docket records, I conclude that the Notice of Missing Requirements purportedly mailed April 17, 2001 was never received by Applicants' representatives" is construed as satisfying this requirement. If this interpretation is incorrect, practitioner must notify the Office of PCT Legal Affairs immediately.

As to (3), applicants have provided a copy of the docket records for the date on which the response was due (17 June 2001) showing all cases for the practitioner's law firm that had a response due on that date. This docket record is also referenced in practitioner's statement. Accordingly, item (3) has been satisfied.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

For the reasons set forth above, the NOTIFICATION OF MISSING REQUIREMENTS mailed 17 April 2001 and the NOTIFICATION OF ABANDONMENT mailed 19 November 2002 are hereby VACATED.

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 re-mailing the NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring an oath or declaration in compliance with 37 CFR 1.497(a)-(b) and the surcharge under 37 CFR 1.492(e).

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459

SEP 12 2001

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael A. Slavin
McHale & Slavin, P.A.
4440 PGA Blvd., Suite 402
Palm Beach, Florida 33410

In re Application of	:	
VERREAULT et al.	:	
U.S. Application No. 09/787,782	:	DECISION ON PETITION
PCT No.: PCT/CA99/00849	:	UNDER 37 CFR 1.47(b)
Int. Filing Date: 21 Septmeber 1999	:	
Priority Date: 21 September 1998	:	
Attorney Docket No.: 2126.005	:	
For: CLEANSING TOWLETTE DISPENSER	:	

This is a decision on applicant's "Petition under 37 C.F.R. 1.47(b)" filed 02 July2001 to accept the application without the signatures of joint inventors, Richard Verreault and Alain Jacques. The petition fee of $130 has been charged to Deposit Account no. 13-0439.

BACKGROUND

On 21 Septmeber 1999, applicant filed international application no.PCT/CA99/00849 which claimed a priority date of 21 September 1998. A proper Demand was filed with the International Preliminary Examination prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the international filing date, i.e., 21 March 2001.

On 21 March 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); English translation of international application; and an assignment.

On 23 April 2001, the United Stated 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 in compliance with 37 CFR 1.497 must be filed. The notification set a two month time limit in which to respond.

On 02 July 2001, applicant filed "Petition under 37 CFR 1.47(b)"; a declaration and power of attorney executed declaration on behalf of the assignee -- Visimax USA, Inc.; and an assignment.

DISCUSSION

A petition under 37 CFR 1.47(b) must be accompanied by: (1) the requisite petition fee under 37 CFR 1.17(i); (2) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the nonsigning inventor; (4) an oath or declaration executed by the 37 CFR 1.47(b) applicant on behalf of and as agent for the nonsigning inventor; (5) proof of proprietary interest in the application; and, (6) a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages. The 37 CFR 1.47(b)

applicant has satisfied the requirements of item (1), (4), and (5) above. However, items (2), (3), and (6) have not been satisfied.

Concerning Item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> "Where a refusal of the inventor to sign the application papers is alleged, the circumstances of its refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration."

A review of the present petition reveals that applicant has not satisfied the item (2) above, in that the applicant has not shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Richard Verreault and Alain Jacques. No documentary evidence to support the refusal or the attempt was provided in the petition.

In order to meet the requirements of 37 CFR 1.47(b) and Section 409.03(d) of the MPEP, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers was sent to Richard Verreault and Alain Jacques and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

Regarding Item (3), petitioner has not provided the last known address of the nonsigning inventors.

Regarding Item (6), petitioner has not show that such action is necessary to preserve the rights of the parties or to prevent irreparable damage has been made.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Richard Verreault and Alain Jacques under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition filed under 37 CFR 1.47(b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO MONTHS** from the mailing date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(b).

Please direct any 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 Legal Affairs Division of the PCT Legal Office.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

Anthony Smith
Attorney-Advisor
PCT Legal Office
Telephone 703-308-6314
Fax: 703-308-6459

MAR 19 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

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

#6

Michael A. Slavin
McHale & Slavin, P.A.
4440 PGA Blvd., Suite 402
Palm Beach, Florida 33410

In re Application of	:	
VERREAULT et al.	:	
U.S. Application No. 09/787,782	:	DECISION ON PETITION
PCT No.: PCT/CA99/00849	:	UNDER 37 CFR 1.47
Int. Filing Date: 21 September 1999	:	
Priority Date: 21 September 1998	:	
Attorney Docket No.: 2126.005	:	
For: CLEANSING TOWLETTE DISPENSER	:	

This decision is in response to "RENEWED PETITION UNDER 37 CFR 1.47(b)" filed 14 January 2001. In a decision dated 12 September 2001 the "PETITION UNDER 37 CFR 1.47(b))" filed 02 July 2001 was dismissed because: (1) applicant did not provide adequate proof that the inventor, Richard Verreault and Alain Jacques, refused to execute the application or could not be reached after diligent effort; (2) a statement of the last known address of the nonsigning inventor; and (3) applicant did not provide a showing that such action is necessary to preserve the rights of the parties or to prevent irreparable damages.

BACKGROUND

On 21 September 1999, applicant filed international application no. PCT/CA99/00849 which claimed a priority date of 21 September 1998. A proper Demand was filed with the International Preliminary Examination prior to the 19th month from the earliest claimed priority date. Accordingly, the thirty-month time period for submitting the requisite basic national fee in the United States of America was extended to expire 30 months from the international filing date, i.e., 21 March 2001.

On 21 March 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1); English translation of international application; and an assignment.

On 23 April 2001, the United Stated 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 in compliance with 37 CFR 1.497 must be filed. The notification set a two-month time limit in which to respond.

On 02 July 2001, applicant filed "Petition under 37 CFR 1.47(b)"; a declaration and power of attorney executed declaration on behalf of the assignee -- Visimax USA, Inc.; and an assignment. The petition was dismissed in a decision dated 12 September 2001.

On 14 January 2002, applicant filed the present petition accompanied by: Supplemental Affidavit of Donald Conrad; Affidavit of Richard Verreault; Declaration executed by Donald Conrad; and Declaration executed by Richard Verreault.

DISCUSSION

Applicants have attached a declaration and power of attorney executed by co-inventor, Richard Verreault, therefore, a petition under 37 CFR 1.47(b) is not appropriate. Section 409.03(b) of the Manual of Patent Examining Procedure (M.P.E.P.) states, "[f]iling under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted when no inventor is available make application." Applicants' renewed petition under 37 CFR 1.47(b) is being treated as a petition under 37 CFR 1.47(a).

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 behalf of the non-signing joint inventor. Items (1) and (3) have been satisfied.

Concerning Item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.), **Proof of Unavailability or Refusal**, states, in part:

> Where a refusal of the inventor to sign the application papers is alleged, the circumstances of its refusal must be specified in an affidavit or declaration by the person to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.
>
> Before a refusal can be alleged, it must be demonstrated that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature.
>
> When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration.
>
> When it is concluded by the 37 CFR 1.47 applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which the conclusion is based should be stated in an affidavit or declaration. If there is documentary evidence to support facts alleged in the affidavit or declaration, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration."

A review of the present petition reveals that applicant has not satisfied the item (2) above, in that the applicant has not shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Alain Jacques. The supplemental affidavit of Donald Conrad states, "[o]n June 20, 2000 the necessary application papers were mailed to Mr. Jacques at his last know address . . . but no response has been received. Subsequent attempts to mail the declaration have been equally unsuccessful." The mailing of the Declaration and Power of Attorney is not considered a complete copy of the application paper (specification, including claims, drawings, and oath and declaration). Additionally, no documentary evidence to support the refusal or the attempt was provided in the petition.

In order to meet the requirements of 37 CFR 1.47(b) and Section 409.03(d) of the MPEP, a statement of facts is needed from a person having first hand knowledge of the facts that a complete copy of the application papers were sent to Alain Jacques or his counsel and when such papers were sent. In addition, copies of documentary evidence such as a certified mail return receipt, cover letter of instruction, telegrams, etc., should be supplied with the declaration.

Regarding Item(4), petitioner has provided a declaration executed by inventor Richard Verrault, on his behalf and on behalf of the non-signing joint inventor. However, the declaration is accompanied by an "Affidavit of Richard Verrault" which states, "[a]ttached hereto is a declaration on my behalf as a co-inventor." Additionally, the petition was also accompanied by a declaration executed by Donald G. Conrad on behalf of the missing inventor. Due to the inconsistencies, it is unclear if Mr.Verrault executed the declaration on behalf of himself or himself and the nonsigning joint inventor. Therefore, a newly executed declaration from Mr.Verrault is required or a statement from Richard Verrault indicating that he has executed the declaration on behalf of himself and on behalf of the nonsigning joint inventor, Alain Jacques.

For the reasons stated above, it would not be appropriate to accept the application without the signature of Alain Jacques under 37 CFR 1.47(b) at this time.

CONCLUSION

The petition filed 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 MONTHS** from the mailing date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a).

Please direct any 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 Legal Affairs Division of the PCT Legal Office.

Richard Cole
PCT Legal Examiner
PCT Legal Office

Anthony Smith
Attorney-Advisor
PCT Legal Office
Telephone 703-308-6314
Fax: 703-308-6459

24 JUL 2002

UNITED STATES PATENT AND TRADEMARK OFFICE

#7

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

Michael A. Slavin
McHale & Slavin, P.A.
4440 PGA Blvd., Suite 402
Palm Beach, Florida 33410

In re Application of :
VERREAULT et al. :
U.S. Application No. 09/787,782 : DECISION ON PETITION
PCT No.: PCT/CA99/00849 : UNDER 37 CFR 1.47
Int. Filing Date: 21 September 1999 :
Priority Date: 21 September 1998 :
Attorney Docket No.: 2126.005 :
For: CLEANSING TOWLETTE DISPENSER :

This decision is in response to "RENEWED PETITION UNDER 37 CFR 1.47(a)" filed 17 May 2002. In a decision dated 19 March 2002 the "PETITION UNDER 37 CFR 1.47(a))" filed 02 July 2001 was dismissed because: (1) applicant did not provide adequate proof that the inventor, Alain Jacques, refused to execute the application or could not be reached after diligent effort; and (2) applicant did not provide an oath or declaration by each 37 CFR 1.47(a) applicant on his own behalf and behalf of the non-signing joint inventor.

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 own behalf and behalf of the non-signing joint inventor. Items (1) and (3) have been satisfied.

As to Item (2), a review of the present petition and the accompanying papers reveal that applicant has satisfied item (2), in that the petitioner has shown that a bona fide attempt was made to present the application papers, including the specification, claims, and drawings to Alain Jacques. Additionally, Mr. Donald Conrad declares that, "[o]n May 8, 2002, I received a call from Mr. Paul Biron, Alain Jacques' attorney, stating that 'his client will not sign this declaration.'" The steps taken by Michael Slavin and Donald Conrad are sufficient to show that the missing inventor refuses to execute the application.

Regarding Item (4), applicant submitted a declaration executed by Richard Verreault, on behalf of himself and the non-signing inventor, Alain Jacques.

CONCLUSION

The renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application will be given an international filing date of 21 September 1999 under 35 U.S.C. 363, and a date of **17 May 2002** under 35 U.S.C. 371(c).

Deposit Account No. 13-0439 has been charged a $65.00 surcharge fee under 37 CFR 492(e) for supplying an oath or declaration later than 30 months from the earliest claimed priority date, as authorized.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Richard Cole
PCT Legal Examiner
PCT Legal Office

Anthony Smith
Attorney-Advisor
PCT Legal Office
Telephone 703-308-6314
Fax: 703-308-6459

#12

15 FEB 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

Michael A. Slavin
McHale & Slavin, P.A.
4440 PGA Blvd., Suite 402
Palm Beach, Florida 33410

In re Application of	:	
VERREAULT et al.	:	
U.S. Application No. 09/787,782	:	DECISION ON PETITION
PCT No.: PCT/CA99/00849	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 21 September 1999	:	
Priority Date: 21 September 1998	:	
Attorney Docket No.: 2126.005	:	
For: CLEANSING TOWLETTE DISPENSER		

The petition to revive under 37 CFR 1.137(b) filed 13 November 2002 in the above-captioned application is hereby **GRANTED** as follows:

Applicant's statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicant has submitted the basic national fee and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

Deposit Account No. 13-0439 will be charged a $640.00 petition fee under 37 CFR 1.17.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 571-272-3298
Facsimile: 571-273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. ____

BIRCH STEWART KOLASCH & BIRCH
P O BOX 747
FALLS CHURCH, VA 22040-0747

COPY MAILED

APR 2 9 2004

OFFICE OF PETITIONS

In re Application of
Atsuchi Yatagai et al
Application No. 09/787,793
Filed: June 12, 2001
Attorney Docket No. 1752-0143P

: DECISION GRANTING PETITION
: UNDER 37 CFR 313(c)(2)

This is a decision on the petition, filed April 28, 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 March 30, 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, the file will be forwarded to Technology Center AU 1651.

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

JUL 13 2005

FOLEY & LARDNER
SUITE 500
3000 K STREET, NW
WASHINGTON, DC 20007

In re Application of	:
Morton Meldal et al	:
Serial No.: 09/787,881	: PETITION DECISION
Filed: June 28, 2001	:
Attorney Docket No.: 030307-0196	:

This is in response to the petition under 37 CFR 1.144, filed May 13, 2005, requesting withdrawal of an improper restriction requirement.

BACKGROUND

A review of the file history shows that this application was filed under 35 U.S.C. 371 and accepted on June 28, 2001, and contained, as filed, claims 1-36, which were amended by preliminary amendment to claims 1-14, 28-32 and 34-36 and new claim 37 (incorrectly numbered as 34). In a first Office action, mailed October 1, 2004, the examiner set forth a Lack of Unity, as follows:

Group I, claims 1-4, 7-10 and 36, drawn to a macromonomer having a vinylphenylpropyl terminal group;

Group II, claims 1-3, 5-10 and 36-37 drawn to a macromonomer having an oxetane terminal group; and

Group III, claims 11-14, 28-32 and 34-35, drawn to a polymer.

The examiner reasoned that the groups lacked a common core structure essential to their utilities and are made by different processes and reactions.

Applicants replied on December 1, 2004, electing Group II, with traverse. Applicants argued that Groups II and III should be rejoined under PCT rules as they share a common core and inventive concept. Applicants also noted that the claims reviewed by the examiner were not the same as those at issue in the IPER. Applicants also provided a new set of amended claims.

The examiner mailed a new Office action to applicants on January 13, 2005, acknowledging applicants election and revising the restriction requirement to claims 1-9 and 33 in Group I and

claims 10-32 in Group II. The examiner noted the traverse, but found it unpersuasive. The examiner made the requirement Final. The examiner also rejected claim 1 under 35 U.S.C. 102(b) as anticipated by DE 1911328. Claims 2-9 and 33 were objected to as depending from a rejected claim.

Applicants replied on May 13, 2005 with an amendment and this petition.

DISCUSSION

Applicants argue in their petition that the claims, as now amended, relate to a monomer and the polymer made therefrom. Applicants argue that the polymer contains the same significant structural element that the monomer does and should therefore, be examined with the monomer in accordance with PCT Rule 13. A review of the claims shows that applicants' arguments are correct. The monomer and its preparation are encompassed by claims 2-9 and 34 and the polymer made from the monomer is encompassed by claims 11-14 and 28-32. The monomer is the intermediate used in preparing the final product and thus has unity with the final product. (See example 28 in Annex B of the Administrative PCT Instruction.) Thus all claims share a significant structural element or special technical feature and have Unity of Invention.

DECISION

The petition is **GRANTED.**

The application will be forwarded to the examiner for consideration of the amendment filed May 13, 2005, and further prosecution not inconsistent with this decision.

Should there be any questions about this decision please contact William R. Dixon, Jr., by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0519 or by facsimile sent to the general Office facsimile number, 571-273-8300.

George C. Elliott

George C. Elliott
Director, Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: X

DATE : **MARCH 15, 2005**

TO SPE OF : ART UNIT **2875**

SUBJECT : Request for Certificate of Correction for Appl. No.: **09787893** Patent No.: **6830750**

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: _____

_____

_____

_____

_____ 1651

SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO. : **6,830,750 B1**

DATED: **Dec. 14, 2004**

INVENTOR(S): **Naruszewicz**

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

On the title page, Item (86), the Filing Date is incorrect. Item (86) should read:

-- (86) PCT No.: **PCT/SE99/01741**
§ 371 (c)(1),
(2), (4) Date: **April 26, 2001** --

--Also--
Item (30) Foreign Application should read:

-- (30) **Foreign Application Priority Data**

Feb. 4, 1999 (SE) 9900371-
Oct. 1, 1998 (SE) ..... 9803334 --

Mailing address of sender:

Customer Number
22850

Tel. (703) 413-3000
Fax. (703) 413-2220
(OSMMN 03/02)

Patent No. 6,830,750

No. of add'l copies
@ .30 per page

11 JAN 2005

DEC 0 5 2001

UNITED STATES PATENT AND TRADEMARK OFFICE

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

J. Ernest Kenney
Bacon & Thomas, PLLC
625 Slaters Lane - Fourth Floor
Alexandria, VA 22314-1176

In re Application of
MAYER, Karlheinz, et al.
Application No.: 09/787,919
PCT Application No.: PCT/EP99/07216
International Filing Date: 29 September 1999
Priority Date: 02 October 1998
Attorney Docket No.: MAYE3003/JEK
For: GRAVURE PROCESS FOR PRINTING ADJACENT COLOUR SURFACES WITH VARIOUS COLOUR COATING THICKNESSES

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to applicants' petition filed on 29 August 2001 to accord a filing date of 01 June 2001 to the declaration and information disclosure statement.

The petition is **GRANTED**.

BACKGROUND

On 29 September 1999, applicants filed an international application, No. PCT/EP99/07216. A copy of the application was communicated to the United States Patent and Trademark Office from the International Bureau on 13 April 2000.

On 02 May 2000, applicants filed a demand for international examination in which the United States was elected. The deadline for entering the national stage was thus thirty months from the priority date, that is 02 April 2001.

On 02 April 2001, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*, the requisite basic national fee as required by 35 U.S.C. §371(c)(1); an English translation of the international application as required by 35 U.S.C. §371(c)(2); the preliminary amendment and an unexecuted declaration.

On 26 April 2001, the USPTO mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating, *inter alia*, that an oath or declaration of the inventors in compliance with 37 CFR 1.497(a)-(b) and the surcharge for late filing of the oath or declaration were required. The NOTIFICATION set a two-month extendable period for reply.

On 29 August 2001, applicants submitted the instant petition under 37 CFR 1.181, which was accompanied by, *inter alia*, a declaration of the inventors and a copy of a postcard receipt stamped 01 June 2001 listing, *inter alia*, missing parts response w/Decl. and Information Disclosure Stmnt. /References.

DISCUSSION

MPEP at section 503 states, in part:

> A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the PTO of all the items listed thereon on the date stamped thereon by the PTO.

Applicants' date stamped postcard receipt lists, *inter alia*, missing parts response w/Decl. and Information Disclosure Stmnt. /References. The postcard receipt provides adequate evidence that these items were received at the USPTO on 01 June 2001.

Applicants state that the documents submitted on 29 August 2001 are the documents originally filed on 01 June 2001 and that the postcard receipt is a true copy of the postcard. Applicants have met the burden of providing adequate evidence that the documents were received by PTO and providing a true copy of the documents, in this case, the originals.

The $130.00 surcharge for filing the oath or declaration later than 30 months from the priority date as required by 37 CFR 1.492(e) will be charged to counsel's Deposit Account No. 02-0200 as authorized in the transmittal letter filed 02 April 2001.

CONCLUSION

Petition is **GRANTED**.

This 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 the mailing of a Notification Of Acceptance (Form PCT/DO/EO/903) and filing receipt. The 35 U.S.C. §371(c) date is 01 June 2001.

Erin M. Pender
Attorney Advisor
PCT Legal Office

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

Richard Cole
PCT Legal Examiner
PCT Legal Office

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

APR 26 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON VA 20195

In re Application of:
Terry Clark, et al.
Serial No.: 09/787,945
Filed: June 26, 2001
For: **HEARING AID ADAPTED FOR DISCRETE OPERATION**

DECISION *SUA SPONTE*
WITHDRAWING HOLDING
OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A non-final Office action was mailed on August 25, 2004 setting a shortened statutory period for filing a reply. No response to the non-final Office action was received. A Notice of Abandonment has not been mailed.

A review of the file record indicates that the non-final Office was returned to the Office as undeliverable. The correspondence address on the non-final Office mailed on August 25, 2004 matches the address of record. Thus, there was obviously an irregularity in mailing of the Office action.

Although no petition or request to withdraw the holding of abandonment has been filed, the holding of abandonment is hereby withdrawn and the application restored to pending status.

Any inconvenience to the applicant is regretted.

The application is being forwarded to the Technology Center's technical support staff for re-mailing the non-final Office action and restarting the time period for response.

Dwayne Bost
Special Programs 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
DIW Sep-06

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 15219

COPY MAILED
SEP 25 2006
OFFICE OF PETITIONS

In re Patent No. 6,905,041 :
Issued: 14 June, 2005 :
Application No. 09/787,998 : ON PETITION
Filed: 23 March, 2001 :
Atty Dckt No. 2204-002012 :

This is a decision on the petition filed on 7 April, 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 petition is **granted**.

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
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No. 23

BARBARA A. WRIGLEY
OPPENHEIMER WOLFF & DONNELLY
45 SOUTH SEVENTH STREET, SUITE 3300
MINNEAPOLIS, MN 55402

COPY MAILED

NOV 2 3 2004

OFFICE OF PETITIONS

In re Application of :
Seiji Nishioka et al :
Application No. 09/788,047 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. 60586-300501(YOSHP005) :

This is a decision on the petition under 37 CFR 1.137(b), filed August 12, 2004, to revive the above-identified application.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action mailed August 12, 2003. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee as required by 37 CFR 1.17(b), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) under 37 CFR 114 or the filing of a continuing application. See MPEP 711.03(c)(III)(A)(2).

Since the amendment submitted with the present petition does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), RCE or the filing of a continuing application. See the attached Advisory Action.

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.

Additionally, the Power of Attorney submitted with the instant petition does not comply with 37 CFR 3.73(b).

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

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

By hand: U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop PETITION
Crystal Plaza Two, Lobby, Room 1B03

Arlington, VA 22202

By Fax: (703) 872-9306
Attn: Office of Petitions

Telephone inquiries concerning this decision should be directed the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment: Advisory Action

cc:
PERKINS COIE LLP
101 JEFFERSON DRIVE
MENLO PARK, CA 94025-1114

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OPPENHEIMER WOLFF AND DONNELLY
45 SOUTH SEVENTH STREET SUITE 3300
MINNEAPOLIS, MN 55402

COPY MAILED

MAR 10 2005

OFFICE OF PETITIONS

In re Application of :
Seiji Nishioka et al :
Application No. 09/788,047 : DECISION GRANTING PETITION
Filed: February 16, 2001 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 60586-300501(YOSHP005) :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed December 3, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE and amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of August 12, 2003, is accepted as having been unintentionally delayed.

Pursuant to 37 CFR 1.136, an extension of time must be filed prior to the expiration of the maximum period obtainable for reply to avoid abandonment. Accordingly, since the $2,010 extension of time submitted with the petition on August 12, 2004 was subsequent to the maximum period obtainable for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

The application file is being forwarded to Technology Center AU 1711.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 7

Leslie A. Mooi
HYSEQ, INC.
670 Almanor Avenue
Sunnyvale, CA 94085

COPY MAILED

JUL 2 3 2002

OFFICE OF PETITIONS

In re Application of
Godbole et al.
Application No. 09/788,051
Filed: February 16, 2001
Attorney Docket No. HYS-39

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR §1.47(b), filed April 5, 2002. This petition will be treated under 37 CFR §1.47(a).[1]

The petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §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 C.F.R. §1.136(a).

The above-identified application was filed on February 16, 2001, without an executed oath or declaration. Accordingly, on September 5, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set a two-month period for reply of September 10, 2001.

In reply, applicant filed a petition, declaration and power of attorney, petition fee and the surcharge for late filing of the declaration. To make the reply timely, a five month extension of time was also submitted. In support of the petition, applicants submitted a statement of facts and a copy of correspondence to the non-signing inventor.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the

---

[1] Where at least one inventor has signed an oath or declaration it is appropriate for the petition to be treated under 37 CFR §1.47 (a). A petition filed under 37 CFR §1.47(b) is appropriate where all inventors have either refused to execute the oath or declaration, or cannot be located.

petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition does not satisfy requirements (1).

As to item (1), Rule 47 applicant has failed to show that the inventor Godbole refused to sign the declaration after having been presented with the application papers. The letter mailed to non-signing inventor Godbole only indicates the Declaration & Power of Attorney papers were presented to the non-signing inventor. Before a refusal can be alleged, applicant must demonstrate a bona fide attempt was made to present a copy of application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d).

Thus on renewed petition, applicant must establish the **entire** application package (including specification, claims and drawings) was presented to the non-signing inventor and she refused to sign.

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

By mail:	Commissioner for Patents Box DAC Washington, D.C. 20231
By FAX:	(703) 308-6916 Attn: Office of Petitions
By hand:	Crystal Plaza Four, Suite 3C23 2201 S. Clark Place Arlington, VA

Telephone inquiries related to this decision may 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OIPE JC42 33
DEC 26 2002
PATENT & TRADEMARK OFFICE

Docket No.: HYS-39
Action: Response to Paper No. 7
Date Due: 9/23/02
Critical Date: 9/23/02
Docketed By/Date: AD 7/30
Responsible Attorney: LB

JUL 2 8 2002

Leslie A. Mooi
HYSEQ, INC.
670 Almanor Avenue
Sunnyvale, CA 94085

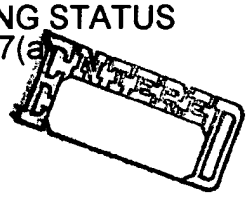
COPY MAILED

JUL 2 3 2002

OFFICE OF PETITIONS

In re Application of
Godbole et al.
Application No. 09/788,051
Filed: February 16, 2001
Attorney Docket No. HYS-39

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)



This is in response to the petition under 37 CFR §1.47(b), filed April 5, 2002. This petition will be treated under 37 CFR §1.47(a).[1]

The petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §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 C.F.R. §1.136(a).

The above-identified application was filed on February 16, 2001, without an executed oath or declaration. Accordingly, on September 5, 2001, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration in compliance with §1.63, and a surcharge for its late filing. This Notice set a two-month period for reply of September 10, 2001.

In reply, applicant filed a petition, declaration and power of attorney, petition fee and the surcharge for late filing of the declaration. To make the reply timely, a five month extension of time was also submitted. In support of the petition, applicants submitted a statement of facts and a copy of correspondence to the non-signing inventor.

A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the

---

[1] Where at least one inventor has signed an oath or declaration it is appropriate for the petition to be treated under 37 CFR §1.47 (a). A petition filed under 37 CFR §1.47(b) is appropriate where all inventors have either refused to execute the oath or declaration, or cannot be located.

petition fee; and (4) a statement of the last known address of the non-signing inventor.

The instant petition does not satisfy requirements (1).

As to item (1), Rule 47 applicant has failed to show that the inventor Godbole refused to sign the declaration after having been presented with the application papers. The letter mailed to non-signing inventor Godbole only indicates the Declaration & Power of Attorney papers were presented to the non-signing inventor. Before a refusal can be alleged, applicant must demonstrate a bona fide attempt was made to present a copy of application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d).

Thus on renewed petition, applicant must establish the **entire** application package (including specification, claims and drawings) was presented to the non-signing inventor and she refused to sign.

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

By mail:	Commissioner for Patents Box DAC Washington, D.C. 20231
By FAX:	(703) 308-6916 Attn: Office of Petitions
By hand:	Crystal Plaza Four, Suite 3C23 2201 S. Clark Place Arlington, VA

Telephone inquiries related to this decision may 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

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

CHRISTIE, PARKER & HALE, LLP
350 WEST COLORADO BOULEVARD
SUITE 500
PASADENA CA 91105

COPY MAILED

JAN 14 2002

OFFICE OF PETITIONS

In re Application of
Trost, Ibrahim & Mikhak
Application No.: 09/788,061
Filed: February 16, 2001
Attorney Docket No.: 41524/CAG/B600
For: BLUETOOTH BASEBAND SOLUTION WITH REDUCED PROCESSOR REQUIREMENTS AND INTEGRATED HOST CONTROLLER

DECISION REFUSING STATUS
UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed October 5, 2001 .

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

The above-identified application was filed on February 16, 2001 without an executed oath or declaration. Accordingly, on April 27, 2001, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration, a surcharge for its late filing and substitute drawings.

In response, on October 5, 2001 (certificate of mailing date September 26, 2001), a petition for a three month extension of time and required fee, a declaration executed by 2 of 3 joint inventors, the surcharge, substitute drawings, the petition fee, and the instant petition were filed. A declaration of facts of D. Bruce Prout and Christopher C. Winslade, attorneys for a corporation in interest, accompanied the petition. Messrs. Prout and Winslade explain that the attorney representing non-signing joint inventor Alahyar Alan Mikhak received a copy of the application and a declaration for the above-identified application, but Mr. Mikhak did not respond to the time sensitive request that he sign the declaration for the patent application.

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $130 as specified in 37 CFR § 1.17(h), and
(4) the last known address of the omitted inventor(s).

This petition lacks item (1) above.

As to item (1), Applicant has failed to establish that the inventor refused to sign the declaration. The Office requires that the non-signing inventor be provided with a complete copy of the application as filed. This includes the specification with claims, drawings, if any, and a declaration. See MPEP 409.03(d). In this instance, Exhibit C to the declaration of Christopher C. Winslade establishes that Inventor Mikhak's representative was mailed a declaration that does not make any reference to the identity of the other joint inventors. The Exhibit C declaration is not identical to the declaration filed on October 5, 2001 (certificate of mailing date September 26, 2001) listed 3 inventors.

Petitioners must mail Inventor Mikhak's representative a copy of the declaration, as filed with the Office. The Declaration presented to the non-signing inventor must include all of the joint inventors in order to ensure that the non-signing inventor is aware of the identity of the other named inventors of the subject matter. See 37 CFR 1.63.

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

By mail:	Commissioner for Patents Box DAC Washington, D.C. 20231
By facsimile:	(703) 308-6916 Attn: Office of Petitions
By hand:	Office of Petitions 2201 South Clark Place Crystal Plaza 4, Suite 3C23 Arlington, VA 22202

Telephone inquiries should be directed to 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

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

CHRISTIE, PARKER & HALE, LLP
350 WEST COLORADO BOULEVARD
SUITE 500
PASADENA CA 91105

COPY MAILED

APR 2 3 2002

OFFICE OF PETITIONS

In re Application of
Trost, Ibrahim & Mikhak
Application No.: 09/788,061
Filed: February 16, 2001
Attorney Docket No.: 41524/CAG/B600
For: BLUETOOTH BASEBAND SOLUTION WITH REDUCED PROCESSOR REQUIREMENTS AND INTEGRATED HOST CONTROLLER

DECISION NOTING JOINDER OF INVENTOR AND PETITION UNDER 37 CFR 1.47(a) AS MOOT

This is a decision on the petition entitled, "REQUEST TO ACCEPT EXECUTED DECLARATION", filed April 15, 2002 (certificate of mailing date April 4, 2002).

The petition is granted.

Papers filed on April 15, 2002 (certificate of mailing date April 4, 2002) in response to the "Decision Refusing Status Under 37 CFR 1.47(a)" mailed on January 14, 2002, included a declaration signed by the previously nonsigning inventor, Mr. Alahyar Alan Mikhak, 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).

The Office acknowledges receipt of a $110.00 check submitted for a one month extension of time.

This application will be returned to the Office of Initial Patent Examination for further processing.

Inquiries related to this decision may be addressed 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

APR 11 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Christie, Parker & Hale, LLP,
P.O.Box 7068,
Pasadena, CA 91109-7068

In re Application of
Theodore Trost, et al.
Application No. 09/788,061
Filed: February 16, 2001
For: **BLUETOOTH BASEBAND SOLUTION WITH REDUCED PROCESSOR REQUIREMENTS AND INTEGRATED HOST CONTROLLER**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition for Withdrawal of Abandonment, filed February 4, 2005, 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 June 14, 2004. A Notice of Abandonment has not yet been mailed.

A review of the record indicates that a request to change a co-inventor's address was filed on January 13, 2003. Applicants were merely updating the residence address of a co-inventor rather than requesting a change in the correspondence address. The Office errantly changed the correspondence address the Office action was mistakenly mailed to the changed co-inventor's address.

In view of the above stated reasons the holding of abandonment is withdrawn.

The petition is **GRANTED**.

The application file will be forwarded to the Technology Center's technical support staff to correct the correspondence address to that listed above. A courtesy copy of this decision will be sent to the address listed below. However, all future communications will be sent to the address listed above until an appropriate change of correspondence address is filed by applicants.

From there, due to the time lapse between the original mailing of the Office action of June 14, 2004 and the mailing of this decision, the application file will be returned to the examiner for appropriate action including updating the search as necessary prior to the mailing of a new Office action.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

Cc: ALAN MIKHAK
THE PEREUS GROUP, INC.
26500 WEST AGOURA ROAD #102-717
CALABASAS CA 91302

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

Texas Instruments Incorporated
P. O. Box 655474, M/S 3999
Dallas, TX 75265

COPY MAILED

JAN 14 2003

OFFICE OF PETITIONS

In re Application of :
Kurt P. Wachtler, et al. :
Application No. 09/788,075 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. TI-17462.2 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 31, 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 February 27, 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 28, 2002.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

The application file is being forwarded to Technology Center 2800, Art Unit 2827 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
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Paper No.

Robert E. Krebs
THELEN REID & PRIEST LLP
P.O. Box 640640
SAN JOSE CA 95164-0640

COPY MAILED

SEP 21 2007

OFFICE OF PETITIONS

In re Patent No. 7,200,512	:	
Lalau et al.	:	DECISION ON REQUEST
Issue Date: April 3, 2007	:	FOR RECONSIDERATION
Application No. 09/788,092	:	OF
Filed: February 16, 2001	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 034300-121	:	

This is in response to the "REQUEST FOR REVISION OF PATENT TERM ADJUSTMENT INDICATED ON PATENT," filed June 7, 2007, requesting reconsideration of the initial determination of patent term adjustment under 35 U.S.C. § 154(b) of 1,243 days.

The application for patent term adjustment under § 1.705(d) is **DISMISSED AS UNTIMELY FILED**.

Patentee is given **TWO MONTHS** to respond to this decision. No extensions of time will be granted under § 1.136(a).

On April 3, 2007, the application matured into U.S. Patent No. 7,200,512 with a revised patent term adjustment of 0 days. On June 7, 2007, patentee submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 1,243 days.

As stated in MPEP § 2730, Rule § 1.705(d) provides that:

> If there is a revision to the patent term adjustment indicated in the notice of allowance, the patent will indicate the revised patent term adjustment. **If the patent indicates or should have indicated a revised patent term adjustment, any request for reconsideration of the patent term adjustment indicated in the**

> **patent must be filed within two months of the date the patent issued** (emphasis added) and must comply with the requirements of paragraphs (b)(1) and (b)(2) of this section.

The instant request for reconsideration of patent term adjustment under § 1.705(d) was filed more than 2 months after the issue date of the patent. The request was not made timely be virtue of a properly signed and dated certificate of mail. In view thereof, it is appropriate to dismiss the request for reconsideration as untimely filed.

Petitioner has asserted that "because applicants were not immediately aware of the issuance of the patent, the two-month deadline should be extended to one week to June 11, 2007," however it is noted that Petitioner does not appear to have requested the waiver of Rule § 1.705(d), and has not submitted the fee that is associated with the filing of a petition pursuant to Rule § 1.183[1].

Submission of the $200.00 fee set forth in 37 CFR § 1.18(e) is acknowledged. No additional fees are required.

Telephone inquiries **specific to this matter** should be directed to Senior Attorney Paul Shanoski at (571) 272-3225[2].

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

---

1 If Petitioner chooses to file a petition pursuant to this rule, no assurance can be made that any remedy will be forthcoming.
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 Petitioner's further action(s).

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

H8

MAILED

JUN 17 2003

Office of the Director
Group 3600

Berlin Rollins
3420 N. First Street, Apt. 110
Fresno, CA 93726

In re application of
Berlin Rollins
Application No. 09/788,098
Filed: June 4, 2001
For: SAFETY LOCK FOR SEMIAUTOMATIC HAND GUNS

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF 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 March 31, 2003.

The petition is **DISMISSED as moot**.

A review of the application file reveals that an Office action was mailed on January 25, 2002 wherein a three-month shortened statutory period for reply was set. A reply was received on April 22, 2002, and proposed drawing changes was received on May 7, 2002. A letter of non-responsive amendment was mailed to applicant on June 21, 2002 wherein it was held that the reply filed May 7, 2002 (actually April 22, 2002) was unsigned. Since no response had been matched with the file and the six-month statutory period for response had expired, the application was held to be abandoned, and a Notice to that effect was mailed on March 19, 2003.

A further review reveals that the original response of July 9, 2002 has since been matched with the file. That original response is timely. Since a timely response to the Office communication of June 21, 2002 has been filed, the abandonment will be withdrawn. Since the original of the response in question is now in the file, there is no need to treat the petition on the merits and it is therefore dismissed as moot.

This application will be forwarded to the Supervisory Legal Instruments Examiner to withdraw the abandonment, return the application to pending status and enter the original response filed July 9, 2002 into the file, before forwarding to the examiner for consideration of the acceptability of the response.

Steven N. Meyers, Special Programs Examiner
Patent Technology Center 3600
Telephone No.: (703) 308-3868
Facsimile No.: (703) 605-0586

SNM/tpl: 6/12/03

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARTINE PENILLA & GENCARELLA, LLP
710 LAKEWAY DRIVE SUITE 200
SUNNYVALE CA 94085

COPY MAILED

JAN 17 2007

OFFICE OF PETITIONS

In re Patent No. 6,909,190 :
Issue Date: June 21, 2005 :
Application No. 09/788,105 : ON PETITION
Filed: February 16, 2001 :
Attorney Docket No. LAM1P106D :

This is a decision on the petition filed September 6, 2006, which is being treated as a petition under 37 CFR 3.81(b) to add the name of a second assignee on the front page of the above-identified patent by way of a certificate of correction.

Petitioner requests issuance of a certificate of correction to include a second assignee, "Novellus Systems, Inc. San Jose, California," after "Lam Research Corporation, Fremont, California."

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 [emphasis added]. *See also* MPEP 1481.01.

"In the case of a division or continuation application, a prior assignment recorded against the original application is applied (effective) to the division or continuation application because the assignment recorded against the original application gives the assignee rights to the subject matter common to both applications." MPEP 306.

This application is a division of 09/346,156, filed June 30, 1999, now Patent No. 6,251,770. The USPTO Office assignment records disclose that an assignment to Lam Research Corporation and Novellus Systems, Inc. was recorded on November 3, 2005, **after the date of issuance of this patent**.

Issuance of a certificate of correction would not be proper because the assignment in the parent application was not submitted for recordation until after issuance of this patent. Accordingly, the petition is **dismissed**.

Petitioner may request a refund of the $100.00 certificate of correction fee by writing to the following address:

Mail Stop 16
Director of the US Patent and Trademark Office
PO Box 1450
Alexandria, VA 22313-1450

A copy of this decision should accompany petitioner's request.

Telephone inquiries concerning this decision on petition 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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 6

FUESS & DAVIDENAS
17258 AMARILLO ROAD
RAMONA, CA 92065

COPY MAILED

MAY 3 1 2002

OFFICE OF PETITIONS

In re Application of	:	
Maurizio Zanetti	:	
Application No. 09/788,110	:	ON PETITION
Filed: February 15, 2001	:	
Attorney Docket No. SD 2000-051-2	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 23, 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 April 2, 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 June 3, 2001.

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.

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. 11

Sheldon R. Meyer, Esq.
FLIESLER DUBB MEYER & LOVEJOY LLP
Fourth Floor
Four Embarcadero Center
San Francisco, CA 94111

COPY MAILED

FEB 14 2002

OFFICE OF PETITIONS

In re Application of Rocky Stewart, Timo Metsaportti and Pal Takacsi-Nagy Application No. 09/788,150 Filed: February 16, 2001 Attorney Docket No. Title: OPEN MARKET COLLABORATION SYSTEM FOR ENTERPRISE WIDE ELECTRONIC COMMERCE	DECISION REFUSING STATUS UNDER 37 C.F.R. §1.47(a)

This is in response to the petition filed July 9, 2001, under 37 CFR 1.47(a), and the substitute drawings filed September 4, 2001.

The petition under 37 C.F.R. §1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 C.F.R. §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 C.F.R. §1.136(a).

The above-identified application was filed on February 16, 2001, without an executed oath or declaration, and with 18 sheets of informal drawings. Rocky Stewart, Timo Metsaportti and Pal Takacsi-Nagy were named as joint inventors. Accordingly, on April 5, 2001, applicants were mailed a "Notice to File Missing Parts of Application," requiring an executed oath or declaration, the surcharge for late filing under §1.16(e), and substitute drawings in compliance with §1.84. This Notice set a two month period for reply, with extensions of time obtainable under §1.136(a).

On July 9, 2001 (certificate of mailing July 5, 2001), applicant filed the instant petition (and fee), made timely by an accompanying petition for a one-month extension of time (and fee); paid the surcharge; and submitted a declaration executed by inventors Stewart and Takacsi-Nagy on behalf of themselves and on behalf of non-signing inventor Metsaportti. However, no formal drawings accompanied this reply. Accordingly, on August 15, 2001, applicants were mailed a "Notice of Incomplete Reply (Nonprovisional)" stating that the declaration had been received, but the reply was still incomplete as the drawings had not been

drawings, made timely by an accompanying petition for a two-month extension of time (and fee).

Applicant asserts that acceptance of the declaration under §1.47 is proper because inventor Metsaportti refuses to join in the application. A grantable petition under 37 C.F.R. §1.47(a) requires: (1) proof that the non-signing inventor cannot be reached or refuses to sign the oath or declaration after having been presented with the application papers (specification, claims and drawings); (2) an acceptable oath or declaration in compliance with 35 U.S.C. §§115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

By declaration of attorney Karl Kenna, applicants set forth the facts relied on to conclude that inventor Metsaportti refuses to join in the application. Attorney Kenna detailed unsuccessful attempts to contact inventor Metsaportti by email and telephone, as well as, delivery of the application papers to inventor Metsaportti's last known address via Federal Express on April 30, 2001. In support of the petition, applicant submitted a copy of the FedEx email confirmation of delivery.

These facts have been considered but not found adequate to show that inventor Metsaportti refuses to join in the application. Applicant has not distinguished whether inventor Metsaportti's nonresponsiveness is due to a refusal on his part to join in the application or whether applicant has simply not been reached to respond. Applicant received no response to emails. The telephone number at which applicant was attempting to contact the inventor proved to be invalid. The application papers were not signed for by inventor Metsaportti, but by a "Irene Summanen." Thus, it cannot be concluded that the application papers were presented to inventor Metsaportti, and by his conduct, he has refused to join in the application.

Before a refusal can be alleged, applicants must demonstrate that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. See MPEP 409.03(d). It is likely from the evidence submitted that the address to which applicant sent the application papers, like the telephone number obtained from BEA Systems, Inc., was at the time invalid. Further efforts to locate inventor Metsaportti and to present the application papers to him at a valid address (or establish that the address to which the papers were delivered is valid) are warranted. If diligent efforts to obtain a forwarding address or to locate the non-signing inventor by other means such as through the telephone, or the Internet continue to fail, then applicant will have provided the necessary proof required under 37 C.F.R. §1.47 that the inventor cannot be reached. Details of the efforts to locate the non-signing inventor should be set forth in an affidavit or declaration of facts by a person with first hand knowledge of the details. Applicant should submit documentary evidence such as the results of a telephone directory or an Internet search. However, if the non-signing inventor is located at another address, a copy of the application papers should be sent to him at that address, or, if it is determined that the inventor is represented by counsel, to the address of the non-signing inventor's attorney. Documentary evidence, including copies of the transmittal cover letters and return mail receipts, should be made part of the record.

Moreover, clarification is required regarding the declaration filed July 9, 2001, and citizenship listed thereon of inventor Metsaportti. In the email communications to inventor Metsaportti dated April 17 and 24th, 2001 (Exh. A & B) respectively, attorney for applicant, through his assistant, communicates that we do not have the citizenship of inventor Metsaportti. In his declaration, attorney Kenna states that he received no response to these emails. No other evidence of record establishes how this information was obtained.

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

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

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

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

Telephone inquiries related to this decision may be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 16

Sheldon R. Meyer, Esq.
FLIESLER DUBB MEYER & LOVEJOY LLP
Fourth Floor
Four Embarcadero Center
San Francisco, CA 94111

COPY MAILED

MAY 09 2002

OFFICE OF PETITIONS

In re Application of :
Rocky Stewart, Timo Metsaportti and :
Pal Takacsi-Nagy :
Application No. 09/788,150 :
Filed: February 16, 2001 :
Attorney Docket No. :
Title: OPEN MARKET COLLABORATION :
SYSTEM FOR ENTERPRISE WIDE :
ELECTRONIC COMMERCE :

DECISION NOTING JOINDER OF INVENTOR AND PETITION UNDER 37 C.F.R. §1.47 MOOT

This is in response to the "Request for Reconsideration of Petition under 37 CFR 1.47(a)", filed April 16, 2002. This decision is made in light of the "Supplement to Petition under 37 CFR 1.47...," filed on February 13, 2002.

The above-identified application was filed on February 16, 2001, without an executed oath or declaration. In response to a "Notice to File Missing Parts of Application" mailed April 5, 2001, applicant filed *inter alia* the initial petition under §1.47(a) and declaration executed by joint inventors Stewart and Nagy on behalf of themselves and on behalf of non-signing inventor Metsaportti. However, the petition was dismissed for failure to show that non-signing inventor Metsaportti refused to sign the declaration after having been presented with the application papers (Decision mailed February 14, 2002).

On February 13, 2002[1] (and again on request for reconsideration filed April 16, 2002[2]), applicant submitted a declaration for patent application signed by previously non-signing inventor Metsaportti. The declaration has been reviewed and found in compliance with 37 CFR 1.63.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary and the petition is considered 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 further consideration under 37 CFR 1.47(a).

---

[1] This declaration was not received by the deciding Official prior to the issuance of the dismissal mailed February 14, 2002.

[2] Certificate of mailing April 9, 2002.

The application file is being returned to the Office of Initial Patent Examination for completion of pre-examination processing.

Telephone inquiries regarding this decision should be directed to Petitions Attorney Nancy Johnson at (703) 305-0309.

Christina Tartera Donnell for

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED
FROM DIRECTORS OFFICE

OCT 2 2 2004

TECHNOLOGY CENTER 3600

SMART & BIGGAR/FETHERSTONHAUGH & CO.
P.O. BOX 2999, STATION D
900-55 METCALFE STREET
OTTAWA, ON K1P5Y6
CANADA

In re application of
Jorn Iversen
Application No. 09/788,208 :
Filed: February 16, 2001 :
For: SYSTEM AND METHOD FOR SETTLING TRADES IN A DIGITAL MERCHANT EXCHANGE :

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on April 22, 2003, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

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

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. Besides giving due notice to his or her client and delivering to the client all papers and property to which the client is entitled as specified under 37 CFR 10.40, approval of such a request requires that the following conditions be met:

A) Each attorney of record must sign the notice of withdrawal, or the notice must contain a clear indication of one attorney signing on behalf of another, because the Office does not recognize law firms;

B) A proper reason for the withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided; and

C) If withdrawal is requested in accordance with 37 CFR 10.40(c) above, there must be at least 30 days between approval of the withdrawal and the later of the expiration date of a time period for reply or the expiration date of the period which can be obtained by a petition and fee for extension of time under 37 CFR 1.136(a).

The request to withdraw as attorney in the above-identified application is not approved as moot because the power of attorney has already been withdrawn as per the Notice to that effect of November 04, 2003.

Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(703) 308-0866
Facsimile No.: (703) 605-0586

KJD/slb: 10/12/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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

9-12-08

Date Mailed :

Patent No.: 7,363,270
Patent Issued : April 22, 2008
Inventor(s): Jorn Iversen
Title: SYSTEM AND METHOD FOR SETTLING TRADES IN A DIGITAL MERCHANT EXCHANGE
Docket No.: 767834600001

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule 1.322or 1.323.

Column 10, claim 1, lines 43 to 45 is a change made in an Examiner's amendment at the time of allowance. Since no error is involved and since applicant filed no objection prior to payment of the base issue fee, the requested change will not be included in the Certificate.

In view of the foregoing, your request is hereby denied. However, further consideration will be given upon receipt of a request for reconsideration directed to Decisions & Certificates of Correction Branch.

Eva James
For Mary Diggs
Certificate of Correction Branch
(703) 308-9390 ext. 124 or ext. 125

Smart & Biggar
P.O. Box 2999, Station D
900 -55 Metcalfe Street
Ottawa, Ontario, K1P 5Y6, Canada

ej

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

MAIL

OCT 03 2001

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

KEVIN L. DAFFER
CONLEY, ROSE & TAYON, P.C.
P.O. BOX 398
AUSTIN, TEXAS 78767-0398

In re Application of:
Hanan Potash
Application No.: 09/788,216
Filed: February 16, 2001
For: FRAME HANDLER FOR HIGH-SPEED FIBER OPTIC COMMUNICATION INTERFACE

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the Request for Withdrawal as Attroney or Agent of record filed, September 10, 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: Dan R. Christen, Gentry E. Crook, Kevin L. Daffer, Mark R. DeLuca, Jeffrey C. Hood, B. Noel Kivlin, Robert C. Kowert, Lawrence J. Merkel, Louise K. Miller, Eric B. Meyertons, David A. Rose, David W. Quimby.

It is noted that the Request for Withdrawal as Attorney or Agent is only effective for the Application No. 09/788,216, since Petitioner did not file a separate Request for Withdrawal as Attorney for each of the Applications 09/776,084; 09/776,102 and 09/788,215.

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

Kenneth A. Wieder
Special Program Examiner
Technology Center ~~2700~~ 2600
Communications ~~& Information Processing~~
(703) 305-4710

cc: HANAN POTASH
10403 CHARETTE COVE
AUSTIN, TEXAS 78759

UNITED STATES PATENT AND TRADEMARK OFFICE

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

THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH PA 1521

COPY MAILED

APR 27 2007

OFFICE OF PETITIONS

In re Application of :
Jonathan W. Jarvik :
Application No. 09/788,268 : DECISION ON PETITION
Filed: February 16, 2001 : TO WITHDRAW
Attorney Docket No. 2087-010262 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b) filed November 13, 2006.

The request is **APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Barbara E. Johnson on behalf of all attorneys of record who are associated with customer No. 28289.

All attorneys/agents associated with the Customer Number 28289 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Office action mailed January 5, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: JONATHAN W. JARVIK, PHD.
6419 BEACON STREET
PITTSBURGH, PA 15217

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	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
09/788,268	02/16/2001	Jonathan W. Jarvik	2087-010262

CONFIRMATION NO. 5282

OC000000023563776

OC000000023563776

28289
THE WEBB LAW FIRM, P.C.
700 KOPPERS BUILDING
436 SEVENTH AVENUE
PITTSBURGH, PA 15219

Date Mailed: 04/26/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 11/13/2006.

- The withdrawal as attorney in this application has been accepted. Future correspondence will be mailed to the new address of record. 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
FORMER ATTORNEY/AGENT COPY