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MAR 18 2004

Mailed:

Paper Number 4

In re application of :
Robert BLAKLEY, *et al.* : DECISION ON
Serial No. 10/055,970 : PETITION
Filed: January 28, 2002 :
For: SEAL SHAFT SHUTOFF DEVICE AND METHOD :

On November 4, 2003, applicants filed an Information Disclosure Statement (IDS), along with the $180.00 required fee under 37 CFR 1.17(p) and a copy of the reference. On November 19, 2003, a notice of allowance was issued which failed to include a site to the November 4, 2003 Information Disclosure Statement (IDS). On December 8, 2003, applicants Petitioned for Consideration of the initial PTO-1449 and provided a canceled postcard as evidence of the timely submission. The Petition for Consideration was accompanied by a check for $130.00 to cover the petition fee under 37 CFR 1.17(i).

The standards for filing an Information Disclosure Statement (IDS) set forth in 37 CFR 1.97 were revised effective November 7, 2000. As set forth in 37 CFR 1.97(d), an IDS filed after allowance and before issue fee payment will be considered if it is accompanied by (1) a statement under 37 CFR 1.97(e) and (2) the fee set forth in 37 CFR 1.17(p). As a petition is no longer required, the present petition is dismissed. As noted above, the first requirement of 37 CFR 1.97(d) has been met. The current fee for filing an IDS after allowance is $180.00 has been met.

The application will then be forwarded to the examiner for consideration of the IDS.

The petition is DISMISSED.

Wanda L. Walker
Supervisory Patent Examiner
Technology Center 1700

BAKER & HOSTETLER, LLP
Washington Square, Suite 1100
1050 Connecticut Avenue, N.W.
Washington, DC 20036-5304

MAY 30 2002

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

MAILED
MAY 30 2002
OFFICE OF THE DIRECTOR
TC 3600

Samuel C. Miller, III
Burns, Doane, Swecker, & Mathis, LLP
P.O. Box 1404
Alexandria, VA 22313-1404

Paper No. 4

In re application of : **DECISION ON PETITION**
John K. Donovan : **TO MAKE SPECIAL**
Application No. 10/055,998 : **(COUNTERING TERRORISM)**
Filed: January 28, 2002
For: METHOD AND SYSTEM FOR COUNTERING TERRORISM AND MONITORING VISITORS FROM ABROAD

This is in response to the petition filed on January 28, 2002 to make the above-identified application special on the basis of special examining procedure for certain new applications – inventions for countering terrorism as set forth in MPEP § 708.02 XI.

The Patent and Trademark Office will accord "special" status to patent applications relating to counter-terrorism inventions. The types of technology for countering terrorism could include, but are not limited to systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems. Petitioner states that applicant's invention provides techniques which can be implemented to monitor visitors and identify visa overstays. These methods and systems also provide intelligence dispersal techniques for identifying and thwarting potential terrorists. This invention is therefore seen to be the type of technology described above.

Since all of the requirements for special status under MPEP § 708.02 XI have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

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

kjd: 5/29/02

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
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Paper No. 5

MARK S. COHEN
EITAN PEARL LATZER & COHEN ZEDEK, LLP
10 ROCKEFELLER PLAZA, SUITE 1001
NEW YORK, NY 10020

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MAR 2 6 2003

OFFICE OF PETITIONS

In re Application of :
Shmuel Cabilly :
Application No. 10/056,050 :
Filed: January 28, 2002 :
Attorney Docket No. P-732-US4 :

NOTICE

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

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

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

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Technology Center 1700.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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United States Patent and Trademark Office
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DOWELL BAKER, P.C.
201 MAIN STREET, SUITE 710
LAFAYETTE, IN 47901

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DEC 14 2009

OFFICE OF PETITIONS

In re Patent No. 6,861,248 :
Issue Date: March 1, 2005 :
Application No. 10/056,063 : ON PETITION
Filed: January 28, 2002 :
Patentee(s) Dale M. Clark et al :

This is a decision on the petition under 37 CFR 1.378(c), filed August 25, 2009, to accept the delayed payment of a maintenance fee for the above-identified patent.

The petition is **DISMISSED**.

If reconsideration of this decision is desired, a petition for reconsideration under 37 CFR 1.378(e) must be filed within TWO (2) MONTHS from the mail date of this decision. **Any petition for reconsideration of this decision must be accompanied by the petition fee of $400 as set forth in 37 CFR 1.17(f).** No extension of this two-month time limit can be granted under 37 CFR 1.136(a) or (b). This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The above-identified patent issued on March 1, 2005. Therefore, the grace period in 35 U.S.C. § 41(b) for paying the 3½ maintenance fee expired on March 1, 2009.

35 U.S.C. § 41(c)(1) authorizes the Commissioner to accept a delayed maintenance fee payment within twenty-four (24) months after the expiration of the six-month grace period specified in 35 U.S.C. § 41(b) if the delay is shown to have been unintentional, and authorizes the Commissioner to accept a delayed maintenance fee payment at any time if the delay is shown to have been unavoidable. Thus, 35 U.S.C. § 41(c)(1) does not authorize the Commissioner to accept a delayed maintenance fee payment later than twenty-four (24) months after the expiration of the six-month grace period specified in 35 U.S.C. § 41(b) unless the delay is shown to have been unavoidable.

Office record show $1300 was received with petition on August 25, 2009. The 3½ maintenance fee is $490 and the Surcharge after expiration is $1640. If petitioner desire reconsideration of this decision, petitioner must submitted $2530 ($490 for 3½ maintenance fee; $1640 Surcharge after expiration; and $400 petition for reconsideration). The $1300 received on August 25, 2009 may be applied, which leaves a balance of $1230.

The petition under 37 CFR 1.378(c) received on August 25, 2009 is signed by one (1) applicant, M. Clark Dale. **Communications received at the USPTO must be signed by all of the applicants.** 37 CFR 1.33(b) states:

> "Amendments and other papers filed in the application must be signed by: (1) An attorney or agent of record appointed in compliance with § 1.34(b); (2) A registered attorney or agent not of record who acts in a representative capacity under the provisions of § 1.34(a); (3) The assignee of record of the entire interest, if there is an assignee of record of the entire interest; (4) An assignee of record of an undivided part interest, and any assignee(s) of the remaining interest and any applicant retaining an interest, if there is an assignee of record of an undivided part interest; or (5) All of the applicants (§§ 1.42. 1.43 and 1.47) for patent, unless there is an assignee of record of the entire interest and such assignee has taken action in the application in accordance with §§ 3.71 and 3.73."

The petition for reconsideration must include the lacking item(s) noted above, since, after a decision on the petition for reconsideration, no further reconsideration or review of the matter will be undertaken by the Commissioner.

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Alexandria, VA 22313-1450
By facsimile:	(571) 273-8300 ATTN: Office of Petitions
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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AUG 18 2003

Paper No. 10

In re Application of :
Yoshinobu Kaneko et al. :
Serial No. 10/056,073 : DECISION ON PETITION
Filed: January 28, 2002 : TO MAKE SPECIAL
For: ATTACHMENT STRUCTURE :
FOR MOTOR FOR TOY, TOY WITH :
THE ATTACHMENT STRUCTURE :
FOR MOTOR AND RACING :
VEHICLE TOY :

Applicant's petition, filed May 13, 2003, seeks to have this application made special pursuant to the Accelerated Examination Program. The petition is GRANTED.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(VIII) of the Manual of Patent Examining Procedures (MPEP).

Applicant is advised that the examiner's search will be restricted to the subject matter encompassed by the claims. In the event that the application receives a first action rejection, applicant is encouraged to arrange for an interview with the examiner, and to provide the examiner with a working copy of any proposed amendment one working day prior to the interview. Any amendment filed in response to a first action rejection which would require broadening of the field of search will be treated as an improper response.

PETITION GRANTED.

E. Rollins-Cross, Director
Technology Center 3700

Staas and Halsey LLP
1201 New York Avenue, NW, Suite 700
Washington, DC 20005

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ALEXANDRIA, VA 22313-1450
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JAN 15 2004

Paper No.

In re Application of	:	
Yoshinobu Kaneko	:	
Serial No. 10/056,090	:	DECISION ON PETITION
Filed: January 28, 2002	:	TO MAKE SPECIAL
For: STEERING DEVICE FOR TOY AND RUNNING TOY	:	

Applicant's petition, filed May 16, 2003, seeks to have this application made special pursuant to the Accelerated Examination Program. The petition is GRANTED.

The petition has been reviewed and is found to be in compliance with the requirements for special status as set forth in Section 708.02(VIII) of the Manual of Patent Examining Procedures (MPEP).

Applicant is advised that the examiner's search will be restricted to the subject matter encompassed by the claims. In the event that the application receives a first action rejection, applicant is encouraged to arrange for an interview with the examiner, and to provide the examiner with a working copy of any proposed amendment one working day prior to the interview. Any amendment filed in response to a first action rejection which would require broadening of the field of search will be treated as an improper response.

PETITION GRANTED.

E. Rollins-Cross, Director
Technology Center 3700

Staas and Halsey, LLP
1201 New York Avenue, NW, Suite 700
Washington, DC 20005

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STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON, DC 20005

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NOV 30 2004

OFFICE OF PETITIONS

In re Application of :
Yoshinobu Kaneko, et al. :
Application No. 10/056,090 : ON PETITION
Filed: January 28, 2002 :
Atty Docket No. 1419.1060 :

This is a decision on the petition, filed November 29, 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 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 relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 3712 for further processing of the request for continued examination under 37 CFR 1.114 filed November 29, 2004.

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

[1]The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

SPE: T. Morris

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/11/06

TO SPE OF : ART UNIT 1771

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/056,090 Patent No.: 7094125

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: _____

_____

_____

_____

_____

SPE 1771
Art Unit

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OFFICE OF PETITIONS

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

In re Application of :
Sohn, et al. :
Application No. 10/056,103 : DECISION ON PETITION
Filed: January 23, 2002 :
Attorney Docket No. 022363-000310US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 19, 2007, to revive the above-identified application.

The petition is GRANTED.

This application became abandoned June 19, 2007 for failure to timely reply to the Notice of Drawing Inconsistency mailed May 18, 2007. The Notice set a 30 day non-extendible period of time for reply. This decision precedes Notice of Abandonment.

The petition satisfies the requirements of 37 CFR 1.137(b) in that a reply to the Notice has been submitted, the petition fee has been received; and (3) a proper statement of unintentional delay has been provided.

The correspondence address on the instant petition differs from that contained in the official record. A courtesy copy of this decision is being mailed to both addresses, however, petitioners are advised that all future correspondence concerning this application will be directed to the address contained in the official record until such time as appropriate as instruction is received to the contrary.

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

This application is being referred to Publishing Division for further processing.

ALESIA M. BROWN
Petitions Attorney
Office of Petitions

CC: BERNARD,EUGENE
Townsend and Townsend and Crew LLP
1200 Seventeenth Street, Suite 2700
Denver, CO 80202

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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Paper No. 10

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

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JAN 0 8 2003

OFFICE OF PETITIONS

In re Application of :
Wiley et al. :
Application No. 10/056,117 : DECISION GRANTING
Filed: January 28, 2002 : PETITION
Attorney Docket No. 60006751-2 :

This is a decision on the petition filed August 28, 2002 to accord the above-identified application a filing date of January 28, 2002.

On January 28, 2002, the application was filed without Figure 3.

On January 29, 2002, a preliminary amendment was filed to add omitted Figure 3.

On February 25, 2002, the Office of Initial Patent Examination mailed a Notice which stated that the application had been accorded a filing date of January 28, 2002, and advising applicants that Figure 3 appeared to have been omitted.

Petitioner replied to the Notice by bringing the Office's attention to the preliminary amendment filed on January 29, 2002. In essence, petitioner acknowledged Figure 3 was missing from the original application and informed the Office that an amendment had been filed seeking entry of the Figure. The Office incorrectly construed petitioner's reply to be a request to enter Figure 3 with a filing date of April 24, 2002. However, petitioner never asked for a later filing date and did not request that Figure 3 be part of the *original* application. Therefore, the petition is **granted**.

The petition fee will be credited to petitioner's deposit account.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. Specifically, John Ryan is not an attorney associated with Customer Number 22879. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 28, 2002, using only the application papers filed on January 28, 2002.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: John Ryan
Wilmer Cutler & Pickering
2445 M Street, N.W.
Washington, DC 20037-1420

UNITED STATES PATENT AND TRADEMARK OFFICE

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Wilmer Cutler & Pickering
2445 M Street, N.W.
Washington D.C. 20037

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NOV 0 5 2004

Technology Center 2100

In re Application of:
Anthony J. WILEY, et al.
Application No. 10/056,117
Filed: January 28, 2002
For: MECHANISM FOR CONTROLLING IF/WHEN MATERIAL CAN BE PRINTED ON A SPECIFIC PRINTER

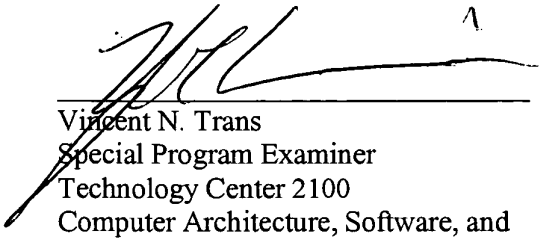
DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed March 26, 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 continue to 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: HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

UNITED STATES PATENT AND TRADEMARK OFFICE

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PAULA D. MORRIS & ASSOCIATES, P.C.
10260 WESTHEIMER, SUITE 360
HOUSTON, TX 77042

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JAN 27 2004

OFFICE OF PETITIONS

In re Application of
Stephen T. Wellinghoff et al
Application No. 10/056,121
Filed: January 23, 2002
Attorney Docket No. SWRI-2385(Z)-04

ON PETITION

This is a decision on the petition, filed January 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 October 14, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries 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 1625 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).

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PAULA D. MORRIS & ASSOCIATES
D/B/A THE MORRIS LAW FIRM, P.C.
10260 WESTHEIMER, SUITE 360
HOUSTON TX 77042-3110

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DEC 2 2 2004

OFFICE OF PETITIONS

In re Application of :
Stephen T. Wellinghoff et al :
Application No. 10/056,121 : ON PETITION
Filed: January 23, 2002 :
Attorney Docket No. SWRI-2385(Z)-04 :

This is a decision on the petition, filed December 17, 2004, which is being treated under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on 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 (571) 272-3208.

The examiner of Technology Center AU 1625 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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HIMANSHU S. AMIN
NATIONAL CITY CENTER
24TH FLOOR
1900 EAST 9TH STREET
CLEVELAND, OH 44114

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JUL 10 2006

OFFICE OF PETITIONS

In re Application of :
Krishna Seshadri :
Application No. 10/056,173 :
Filed: January 24, 2002 :
Attorney Docket No. T152 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 22, 2006, to revive the above-identified application.

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

The above-identified application became abandoned for failure to submit the issue fee/publication fee in a timely manner in reply to the Notice of Allowance mailed November 8, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 6, 2006.

The instant petition has been found in compliance with 37 CFR 1.137(b). However, while the statement of unintentional delay does not comply with the rule, the statement presented will be construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 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.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Publishing Division.

Wan Laymon
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 9

PATENT ADMINSTRATOR
KATTEN MUCHIN ZAVIS ROSENMAN
525 WEST MONROE STREET
SUITE 1600
CHICAGO, IL 60661-3693

SEP 28 2004

In re Application of :
Samsoondar et al : DECISION ON PETITION
Application No. 10/056,205 :
Filed: January 28, 2002 :
Attorney Docket No. 213202.00361 :

This is a decision on the petition filed February 20, 2004, requesting that the holding of abandonment in the above-identified application be withdrawn.

The petition to withdraw the holding of abandonment is GRANTED.

A non-final action was mailed on April 23, 2003 setting forth a three-month period of response.

Petitioner asserts that an Amendment in response to the Office action was timely filed on July 23, 2003 as evidenced by the post card receipt indicating receipt of the Amendment in the Patent and Trademark Office.

The review of the application file reveals that the Amendment in response to the April 23, 2003 Office action was received and matched with the file. However, the response was not noticed by either the examiner or the technical support staff and consequently the application was held to be abandoned. The application is not abandoned in fact.

For the above reasons, the Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. Inconvenience to petitioner is regretted.

The application file is being forwarded to the technical support staff for processing the Amendment in response to the April 23, 2003 Office action. From there, it will be returned to the examiner for further prosecution.

Janice A Falcone

Janice A Falcone, Director
Technology Center 2800
Semiconductor, Electrical and Optical
Systems and Components

10/056212

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/21/04

TO SPE OF : ART UNIT 1752

SUBJECT : Request for Certificate of Correction on Patent No.: 6783911

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

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

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

Lamonte Newsome

Thank You For Your Assistance — **Certificates of Correction Branch**

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

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

Comments:

Cynthia H. Kelly — **SPE**

1752 — **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

KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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NOV 14 2005

OFFICE OF PETITIONS

In re Application of :
Jose REMACLE et al. :
Application No. 10/056,229 :
Filed: January 23, 2002 :
Attorney Docket No. VANM213.001CP1 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed July 20, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed January 2, 2004, which set a shortened statutory period for reply of three (3) months. A three (3) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the above-identified application became abandoned on July 3, 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 an amendment, a Request for Continued Examination, and the $385 filing fee; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office Action of January 2, 2004 is accepted as having been unintentionally delayed.

It is noted that the record indicates that applicant is entitled to small entity status under 37 CFR 1.27; however, the petition fee for a large entity has been submitted. Applicant is reminded that small entity status remains in effect until changed pursuant to 37 CFR 1.27(g). If applicant believes they are entitled to a refund under 37 CFR 1.26, petitioner may request such refund by writing to the following address: Mail Stop 16, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

Telephone inquiries concerning this decision should be directed to David A. Bucci at (571) 272-7099 or in his absence, the undersigned at (571) 272-3217.

Application No. 10/056,229

The application file is being referred to Technology Center AU 1637 for appropriate action on the concurrently filed Request for Continued Examination and amendment.

Brian Hearn
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

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JUN 14 2004

OFFICE OF PETITIONS

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of :
Kazuhide Kubota et al :
Application No. 10/056,231 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. U 013838-2 :

This is a decision on the petition, filed June 14, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 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) 305-8859.

After receipt of the file in the Office of Petitions, the application will be forwarded to Technology Center AU 2853 for processing of the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 2

HOWARD COHEN
1105 THE ALAMEDA
BERKELEY, CA 94707

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SEP 17 2002

OFFICE OF PETITIONS

In re Application of	:	
Mark A. Gummin et al	:	DECISION GRANTING
Application No. 10/056,233	:	PETITION
Filed: December 3, 2001	:	
Attorney Docket No. 6100	:	

This is a response to the paper styled "REQUEST TO CORRECT FILING DATE" filed April 8, 2002, which is being treated as a submission under 37 CFR 1.6(e) requesting that the above-identified application be accorded a filing date of December 3, 2001, rather than the currently accorded filing date of January 28, 2002.

The request is granted.

The Patent and Trademark Office (the "Office") is aware that, as a result of the events of September 11, 2001, certain post offices refused to accept the deposit of mail for delivery by Express Mail service. The Office designated that interruption in Express Mail service of the United States Postal Service (the "USPS") as a postal service interruption within the meaning of 35 U.S.C. 21(a) and 37 CFR 1.6(e). See the notice entitled "United States Postal Service Interruption and Emergency," 1251 Off. Gaz. Pat. Office 55 (October 9, 2001.)

The instant submission states that an attempt to deposit the above-identified application with the USPS using the Express Mail service was made on December 3, 2001, but the Express Mail to the USPTO's zip code was "embargoed." In support, applicants' provided a copy of the sales receipt stamp dated December 3, 2001, a statement from the attorney of the record and the memo to the inventors. Based on the submission filed April 8, 2002, it is concluded that the above-identified application would have been filed on December 3, 2001, if it were not for the designated interruption in the USPS.

In accordance with 37 CFR 1.6(e), the above-identified application will be granted a filing date of December 3, 2001.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to December 3, 2001.

Telephone inquires specific to this matter should be directed to Wan Laymon at (703) 306-5685.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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PATTERSON THUENTE SKAAR & CHRISTENSEN P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

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OCT 0 1 2008

OFFICE OF PETITIONS

In re Application of :
Jonathan Michael Peterson :
Application No. 10/056,250 : DECISION ON PETITION
Filed: January 23, 2002 :
Attorney Docket No. 16126908 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 29, 2008, to revive the above-identified application.

The petition is **DISMISSED.**

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

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 6, 2003, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 7, 2003.

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." 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 (4 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 June 7, 2003. 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 Larry M. Jennings was counsel of record at the time of abandonment, Mr. Jennings should explain why this application became abandoned while it was under his control and what efforts he made to further reply of itself and with whom this matter was discussed outside of Mr. Jennings. Copies of any correspondence relating to the filing, or to not filing a further reply to the outstanding Office action are required from responsible person(s), Mr. Jennings and whoever else was involved with this application at the time of abandonment. Statements are required from any and all persons responsible for handling this application, and the responsible person(s) having firsthand knowledge of the circumstances surrounding the lack of a reply to the outstanding Office action. As the courts have made clear, it is pointless for the USPTO to revive a long abandoned application without an adequate showing that the delay did not result from a deliberate course of action. See Lawman Armor v. Simon, 2005 U.S. Dist. LEXIS 10843, 74 USPQ2d 1633 (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 4 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 persons handling this application and the responsible person(s) 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 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) 272-3210.

Irvin Dingle
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
10/056,250	01/23/2002	Jonathan Michael Peterson	16126908

CONFIRMATION NO. 7792

POA ACCEPTANCE LETTER

Patterson Thuente
Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, MN 55402-2100

OC000000032340376

Date Mailed: 09/30/2008

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/29/2008.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/056,250	01/23/2002	Jonathan Michael Peterson	16126908

CONFIRMATION NO. 7792

Larry M. Jennings
2855 Anthony Lane South #115
Minneapolis, MN 55418

POWER OF ATTORNEY NOTICE

OC00000003234037S

Date Mailed: 09/30/2008

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/29/2008.

- The Power of Attorney to you in this application has been revoked by the applicant. Future correspondence will be mailed to the new address of record(37 CFR 1.33).

/idingle/

Office of Data Management, Application Assistance Unit (571) 272-4000, or (571) 272-4200, or 1-888-786-0101

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PATTERSON THUENTE SKAAR & CHRISTENSEN, P.A.
4800 IDS CENTER
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402-2100

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DEC 22 2008

OFFICE OF PETITIONS

In re Application of :
Jonathan Michael Peterson :
Application No. 10/056,250 : ON PETITION
Filed: January 23, 2002 :
Attorney Docket No. 16126908 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 23, 2008, to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3671 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

ATTN: LEGAL-MANUFACTURING
KINETIC CONCEPTS, INC.
P.O. BOX 659508
SAN ANTONIO TX 78265-9508

COPY MAILED

MAR 0 4 2005

OFFICE OF PETITIONS

In re Application of :
Wilhelm Fleischmann :
Application No. 10/056,251 : ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. 2368.128 :

This is a decision on the petition, filed February 14, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 27, 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 3743 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

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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LEGAL DEPARTMENT INTELLECTUAL PROPERTY
KINETIC CONCEPTS, INC.
P.O. BOX 659508
SAN ANTONIO TX 78265-9508

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JAN 26 2009

OFFICE OF PETITIONS

In re Patent No. 7077832	:	
Issue Date: 07/18/2006	:	
Application No. 10/056251	:	DECISION ON PETITION
Filed: 01/24/2002	:	
Attorney Docket No. 2368.128	:	

This is a decision on the request under 37 CFR 3.81(b), filed on February 22, 2007, requesting deletion of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The Office apologizes for the delay in responding to the present request.

Petitioner asserts that no assignment in accordance with 37 CFR 3.11 has been recorded in this patent, but that an assignee's name was listed in error on Form PTOL-85(b) at the time the issue fee was paid.

The request is **granted** to the extent indicated.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3131. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

A review of the Official file reveals that a Certificate of Correction deleting the assignee was mailed on April 10, 2007. Accordingly, no further action is required by the Office in response to this request.

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

Paper No. 3

Myers Bigel Sibley & Sajovec
P.O. Box 37428
Raleigh, NC 27627

MAIL

APR 05 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Johansson, et al.

Application No. 10/056,261
Filed: January 25, 2002
For: METHODS, SYSTEM, AND COMPUTER PROGRAM PRODUCTS FOR DETERMINING THE LOCATION OF A MOBILE TERMINAL (ETC).....

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 13, 2004.

A grantable request to withdraw as attorney/agent of record must:
(1) indicate the present mailing address of the attorney(s)/agent(s) who seek(s) to withdraw, and
(2) be signed by each attorney/agent seeking to withdraw or clearly be signed on their behalf, and
(3) be *approved* at least thirty (30) days prior to the maximum extendable period for response to any outstanding Office Action, and
(4) indicate the address to which future correspondence should be mailed.

Petitioner has met all of the above. Accordingly, the request is **GRANTED**.

It is noted that the request for withdrawal is only effective for David K. Purks since only his signature is on the request, and there is no other indication that he is signing on behalf of any of the other practitioners. As a remedy one of the remaining attorneys of record should sign the petition for himself and on behalf of the other attorneys of record.

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

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

CC: John Han
Associate General Counsel-Intellectual Property
Ericsson Inc., MS/EVW2-C-2
6300 Legacy Drive
Plano, Texas 75024

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

QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 06/09/2010

Applicant	: Tao Chen	: DECISION ON REQUEST FOR
Patent Number	: 7630691	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/056,278	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/23/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **846** 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.

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Paper No. 7

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

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AUG 0 5 2002

OFFICE OF PETITIONS

In re Application of :
Weiss et al. :
Application No. 10/056,284 : DECISION ON PETITION
Filed: January 23, 2002 :
Attorney Docket No. 02307O-122900US :

This is a decision on the petition filed July 9, 2002, requesting, in effect, that the "Notice Of Omitted Item(s)" mailed May 21, 2002, be withdrawn to the extent that it states that Figures 1 and 4 are missing.

The petition under 37 CFR 1.53 is **dismissed**.

The application was filed on January 23, 2002. On May 21, 2002, the Office of Initial Patent Examination mailed a "Notice of Omitted Item(s)" stating that the application had been accorded a filing date of January 23, 2002, and advising applicants that Figures 1 and 4 described in the specification appeared to have been omitted.

In response, the present petition was filed. Petitioners explain that Figures 1 and 4 were not missing in so far as petitioner never intended to file a Figure 1 or a Figure 4. The petition states, "the captions 'Figure 1' and 'Figure 4' are intended to give the reader reference points for the individually lettered figures." Petitioner did file Figures 1a to 1e and Figures 4a and 4b.

The "Notice Of Omitted Item(s)" mailed May 21, 2002, was correct in stating that Figures 1 and 4 described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.[1] The specification refers to a Figure 1 and Figure 4 and both those figures are not present.

---

[1] Attention is directed to MPEP 601.01(g) which reads in part:

The Office of Initial Patent Examination (OIPE) reviews application papers to determine whether all of the figures of the drawings that are mentioned in the specification are present in the application. If the application is filed without all the drawing figure(s) referred to in the specification, and the application [is entitled to a filing date], OIPE will mail a "Notice of Omitted Item(s)" indicating that the application papers . . . are lacking some of the figures of drawings described in the specification.

Each application received by OIPE must be individually reviewed for compliance with both the statutory requirements for according an application a filing date and for compliance with various requirements of the rules. Many of the applications concern complex technology. Accordingly, the employees of OIPE, who are not trained engineers or scientists, are not expected to make a detailed comparison of the written description and drawings. To do so would require a greater expenditure of time and resources, with a resulting increased cost, than are currently allocated. In the past, applicants and practitioners have indicated to the PTO that such increases are undesired. Therefore, if a Figure listed in the specification is not present, OIPE sends a Notice of Missing Parts and does not examine the content of the drawings and specification to determine whether the Figure may have been unlabeled or mislabeled.

Since the present petition was not necessitated by any error on the part of the Office, the $130 petition fee will not be refunded. The Notice states that the petition fee will be refunded if it is determined that Figure 1 and Figure 4 were present upon filing. Petitioner has not proven that a Figure labeled "Figure 1" and a Figure labeled "Figure 4" were submitted on January 23, 2002.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of January 23, 2002, using the application papers filed on that date.

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

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

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JAN 10 2006

OFFICE OF PETITIONS

In re Application of :
R. Eric Montgomery :
Application No. 10/056,296 : ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. 04163-00139 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 25, 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 January 10, 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) was obtained. An Advisory action was mailed July 14, 2005 indicating that the reply filed on March 10, 2005, failed to place the application in condition for allowance. Accordingly, the application became abandoned on April 11, 2005.

The unentered amendment filed March 10, 2005 will be considered the submission required under 37 CFR 1.114.

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 (filed March 10, 2005) 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 October 25, 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 1600, Art Unit 1614 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

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OFFICE OF PETITIONS

In re Application :
Weusthof, et al. :
Application No. 10/056,297 : DECISION ON APPLICATION
Filed: January 25, 2002 : FOR PATENT TERM ADJUSTMENT
Docket No. 10710-611 :

This is a decision on the "REQUEST FOR REVIEW OF PATENT TERM ADJUSTMENT," filed September 21, 2006. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected.

The application for patent term adjustment is **GRANTED**.

The Office has updated the PAIR screen to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is **eight (8) days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On August 7, 2006, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date was sixty-eight (68) days.

The Office initially determined a patent term adjustment of sixty-eight (68) days based on an adjustment for PTO delay of one hundred twelve (112) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1) and twenty-one (21) days pursuant to 35 U.S.C. 154(b)(1)(A)(iii) and 37 C.F.R. § 1.703(a)(3), reduced by sixty (60), four (4), and one (1) days of applicant delay

pursuant to 37 C.F.R. § 1.704(b). All adjustments have been reviewed and determined to be correct.

Applicant points out that they should have been assessed additional delay in responding to an Office action. The Office mailed a final action on December 28, 2004. Applicants filed an RCE on May 27, 2005. Accordingly, pursuant to 37 C.F.R. 1.704(b), sixty (60) days of applicant delay should have been assessed for this filing.

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the Notice of Allowance is **eight (8) days** (133 (112+21) days of PTO delay, reduced by 125 (60+4+60+1) days of applicant delay).

No fee has been charged. The Office thanks Applicants for their good faith and candor in bringing this matter to the Office's attention.

The matter is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries specific to this matter 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

Enclosure: Copy of Revised PAIR Screen

Day : Monday
Date: 12/11/2006

PALM INTRANET

Time: 11:46:08

PTA Calculations for Application: 10/056297			
Application Filing Date:	01/25/2002	PTO Delay (PTO):	133
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	65
Post-Issue Petitions:	0	Total PTA (days):	8
PTO Delay Adjustment:	-60		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
64	12/11/2006	ADJUSTMENT OF PTA CALCULATION BY PTO		60	
56	08/07/2006	MAIL NOTICE OF ALLOWANCE	21		40
55	08/07/2006	MAIL EXAMINER'S AMENDMENT			
54	08/03/2006	ISSUE REVISION COMPLETED			
53	08/03/2006	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
52	08/03/2006	EXAMINER'S AMENDMENT COMMUNICATION			
51	07/27/2006	EXAMINER INTERVIEW SUMMARY RECORD (PTOL -413)			
50	08/02/2006	NOTICE OF ALLOWABILITY			
49	05/12/2006	DATE FORWARDED TO EXAMINER			
48	05/12/2006	MAIL APPEALS CONF. REOPEN PROSEC.			
47	05/10/2006	APPEALS CONF. DECISION, REOPEN PROSEC.			
46	04/19/2006	REQUEST FOR APPEAL CONFERENCE FILED			
45	04/19/2006	NOTICE OF APPEAL FILED			
44	04/19/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
43	04/05/2006	MAIL ADVISORY ACTION (PTOL - 303)			
42	04/03/2006	ADVISORY ACTION (PTOL-303)			
41	03/23/2006	DATE FORWARDED TO EXAMINER			
40	03/17/2006	AMENDMENT AFTER FINAL REJECTION			
39	12/19/2005	MAIL FINAL REJECTION (PTOL - 326)			
38	12/12/2005	FINAL REJECTION			
37	01/25/2002	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
36	10/04/2005	DATE FORWARDED TO EXAMINER			
35	09/23/2005	RESPONSE AFTER NON-FINAL ACTION		1	34

34	06/22/2005	MAIL NON-FINAL REJECTION			
33	06/20/2005	NON-FINAL REJECTION			
32	06/14/2005	CORRESPONDENCE ADDRESS CHANGE			
31	06/14/2005	DATE FORWARDED TO EXAMINER			
30	05/27/2004	REQUEST FOR CONTINUED EXAMINATION (RCE)			
29	06/14/2005	DISPOSAL FOR A RCE/CPA/129 (EXPRESS ABANDONMENT IF CPA)			
28	05/27/2005	WORKFLOW - REQUEST FOR RCE - BEGIN			
27	12/28/2004	MAIL FINAL REJECTION (PTOL - 326)			
26	12/23/2004	FINAL REJECTION			
25	10/14/2004	DATE FORWARDED TO EXAMINER			
24	09/20/2004	RESPONSE AFTER NON-FINAL ACTION		4	21
23	01/25/2002	REFERENCE CAPTURE ON IDS			
22	01/25/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
21	06/16/2004	MAIL NON-FINAL REJECTION			
20	06/14/2004	NON-FINAL REJECTION			
19	04/07/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
18	03/15/2004	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
17	04/07/2004	DATE FORWARDED TO EXAMINER			
16	03/15/2004	RESPONSE AFTER NON-FINAL ACTION		60	14
15	03/15/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
14	10/15/2003	MAIL NON-FINAL REJECTION			
13	10/10/2003	NON-FINAL REJECTION			
12	09/26/2003	DATE FORWARDED TO EXAMINER			
11	09/17/2003	RESPONSE TO ELECTION / RESTRICTION FILED			
10	09/17/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
9	07/15/2003	MAIL RESTRICTION REQUIREMENT	112		-1
8	07/14/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
7	05/29/2003	CASE DOCKETED TO EXAMINER IN GAU			
6	10/30/2002	CASE DOCKETED TO EXAMINER IN GAU			
5	02/20/2002	APPLICATION DISPATCHED FROM OIPE			
4	02/19/2002	APPLICATION IS NOW COMPLETE			
2	02/05/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			

1	01/25/2002	INITIAL EXAM TEAM NN

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EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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Paper No. 7

ADAN AYALA, ESQ.
BLACK & DECKER INC.
700 E. JOPPA ROAD, TW-199
TOWSON MD 21286

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JUL 2 2 2002

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Daryl S. Meredith et al :
Application No. 10/056,312 :
Filed: January 24, 2002 :
Attorney Docket No. TN-1488 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed July 1, 2002, to accept an unintentionally delayed claim under 35 U.S.C.§ 119(e) for the benefit of prior-filed provisional Application No. 60/267,371, filed February 8, 2001.

The petition is **DISMISSED AS MOOT**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000.

An amendment to the first sentence of the specification following the title to include a reference to prior-filed provisional Application No. 60/267,371, filed February 8, 2001, was included with the instant petition under 37 CFR 1.78(a)(6)..

The instant pending nonprovisional application was filed on January 24, 2002, within twelve months of the filing date of prior-filed provisional Application No. 60/267,371, which was filed on February 8, 2001, and for which priority is claimed. While a reference to the prior-filed provisional application was not included in an ADS or in the first sentence of the specification following the title, reference nevertheless was made in the originally submitted, unexecuted Combined Declaration and Power of Attorney for Patent Application.

The current procedure where a claim for priority under 37 CFR 1.78(a)(5) is not included 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 has 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)(5). However, on the other hand, if the USPTO does not note the claim for priority to the provisional application 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)(6).[1] In the instant case, the Office noted the claim for priority of provisional Application No. 60/267,371 in the originally submitted, unexecuted Declaration, as shown by its inclusion on the filing receipt.

In view of the above, the $1,280 fee assessed to the instant petition is unnecessary and will be credited to petitioner's deposit account in due course.

Any questions concerning this decision on petition may be directed to the undersigned at (703)305-8680. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center AU 3724 for processing the amendment filed July 1, 2002 and for consideration by the examiner of the claim under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5) for the benefit of provisional Application No. 60/267,371, filed on February 8, 2001.

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

[1] Note 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

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AUG 25 2006

LADAS & PARRY
26 WEST 61ST STREET
NEW YORK NY 10023

In re Application of:
YU-WEN CHEN et al
Serial No.: 10/056,361
Filed: Jan. 25, 2002
Docket: U 013851-0
Title: **CARRIER FOR USED IN MANUFACTURING SEMICONDUCTOR ENCAPSULANT PACKAGES**

Withdrawal of Holding of Abandonment

Art Unit 3729

This is a decision on applicants' Request to Withdraw Abandonment filed Dec. 5, 2005 to review the holding of abandonment for failure to fully respond to the Office action of July 8, 2004.

A review of the file indicates that a complete response was in fact filed on Oct 12, 2004 which was entitled as 'Request for New Action". The response of Oct. 12, 2004 was treated as a complete response to the outstanding Office action of July 8, 2004. This was further confirmed by the applicants' Request to Withdraw Abandonment (see second paragraph of page 2 of the Request).

In view of the above, the holding of Abandonment was in error and is hereby vacated. The holding of abandonment is withdrawn. This application is being forwarded to the examiner for appropriate action.

Summary: Holding of Abandonment Withdrawn.

Frederick R. Schmidt Director
Technology Center 3700

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Patricia A. Kammerer
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Houston TX 77057-2198

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APR 11 2005

OFFICE OF PETITIONS

In re Application of :
Meheus et al. :
Application No. 10/056,407 : DECISION ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. INNS:011-1 :
11362.0011.DVU :

This is a decision on the petition under 37 CFR 1.137(b), filed November 15, 2004, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a reply to an Office Action mailed December 3, 2003. The Office Action set a one (1) 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 January 4, 2004. A Notice of Abandonment was mailed on October 6, 2004.

This petition is hereby **GRANTED**.

The Office hereby acknowledges the receipt of the Response to the Restriction and Election Requirement submitted with the instant petition.

As to petitioner's request for a refund of the $1370 petition fee, the petition fee will not be refunded. 35 U.S.C. 41(a)(7) provides that a petition for revival of an unintentionally abandoned application . . . must be accompanied by a petition fee set for 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 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.

Further, any arguments petitioner seeks to make with regard to the appropriateness of the Restriction Requirement should have been addressed to the Director of Technology Center 1600 pursuant to 37 CFR 1.181. See MPEP 1002.02 (c).

This application is being forwarded to Technology Center 1600 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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AUG 0 3 2004

OFFICE OF PETITIONS

In re Application of :
Williams, J. Benjamin :
Application No. 10/056,432 : ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. FWP-100US :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 22, 2004, 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 November 25, 2003, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on February 26, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is now being forwarded to the Publishing Division for processing into a patent.

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

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No. 8

FERNANDEZ & ASSOCIATES LLP
1047 EL CAMINO REAL
SUITE 201
MENLO PARK CA 94025

MAILED

APR 0 7 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Fernandez et al.
Application No. 10/056,463
Filed: January 23, 2002
For: LOCAL EMERGENCY ALERT FOR CELL-PHONE USERS

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the Petition To Make Special under MPEP § 708.02, XI: Invention for Countering Terrorism, filed March 7, 2003.

A grantable petition to make an application special under 37 C.F.R. § 1.102(d), and in accordance with MPEP § 708.02, XI, for an invention which contributes to the countering of terrorism, must include the petition fee under 37 CFR § 1.17(i). The petition must also be accompanied by a statement explaining how the invention contributes to countering terrorism. The types of technology for countering terrorism could include, but are not limited to, systems for detecting/identifying explosives, aircraft sensors/security systems, and vehicular barricades/disabling systems.

The statements made in the petition do not show how the technology of the instant application directly contributes to the countering of terrorism. Applicant's invention is directed to a remote alert/warning communication system via radio or cell phone. The alert may be triggered by any one of several conditions (specification - last full paragraph on page 5), with applications including fire or theft, for example (specification – second full paragraph on page 7). A general remote communication warning system does not constitute a specific invention for countering terrorism. Applicant may consider requesting special status under MPEP § 708.02, VIII.

Accordingly, the petition is **DENIED**.

Petitioner is given TWO MONTHS from the date of this decision to request reconsideration and supplement the original petition as appropriate.

The application file will be returned to the Technology Center's central files storage area to await action in its regular turn.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 2/17/09 Paper No.: —

TO SPE OF : ART UNIT 3625

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/056471 Patent No.: 7239472

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

FOR IFW FILES:

Please review the requested changes/corrections as shown in the COCIN document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

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

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: _____

JEFFREY A. SMITH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600

SPE 3/11/09 3625 Art Unit

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TAYLOR & AUST, P.C.
142 S. MAIN STREET
P.O. BOX 560
AVILLA, IN 46710

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OFFICE OF PETITIONS

In re Application of	:	
Jeffrey Herman et al	:	
Application No. 10/056,489	:	ON PETITION
Filed: January 24, 2002	:	
Attorney Docket No. MAF0003.US	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 24, 2003, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed January 1, 2003, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on February 2, 2003.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

The application file is being forwarded to Technology Center AU 3749.

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

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OFFICE OF PETITIONS

In re Application of :
Jeffrey Herman, et. al. :
Application No. 10/056,489 : ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. MAF0003.US :

This is a decision on the petition under 37 CFR 1.137(b), filed October 20, 2005, 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) 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.

This application is being revived for consideration of the RCE.

The application file is being referred to Technology Center Art Unit 3749.

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

Andrea Smith
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE 6-11-09 Paper No.: _____

TO SPE OF : ART UNIT 3749

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/656489 Patent No.: 7501110

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

FOR IFW FILES: Please Review case

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced; nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9C62-D
Palm Location 7580

Ennis Young
Certificates of Correction Branch
703-756-1542

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: _____

/Steven B. McAllister/
SPE, Art Unit 3749 — 3749
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

TECHNOPROP COLTON, L.L.C.
P O BOX 567685
ATLANTA GA 31156-7685

COPY MAILED

OCT 0 7 2004

OFFICE OF PETITIONS

In re Application of
Mayerson et al.
Application No. 10/056,490
Filed: January 24, 2002
Attorney Docket No. 14690.002USB

: DECISION ON PETITION
: UNDER 37 CFR 1.182

This is a decision on the petition under 37 CFR 1.182 filed May 14, 2004, which is being treated as a request for clarification of appropriate governing rules in this application.

So construed, the petition is **granted to the extent indicated.**

Petitioner notes that, as filed on January 24, 2002, the instant application specification at page 1 line 1 contained the following claim for benefit under 35 U.S.C. § 120:

> The present application is a continuation of US patent application no. 09/694404 filed on 23 October 2000, currently pending, which is a continuation-in-part of US patent application no. 09/3482000, filed on 6 July 1999, abandoned.

Petitioner complains that it was not until the first office action of May 6, 2003, which is later than the intervals permitted by 37 CFR 1.78(a)(2) (i.e., 4 months form the instant filing date, or 16 months from the filing date of the prior provisional application from which benefit is claimed) that the examiner objected to the above-stated relationship to prior nonprovisional application no. 09/694,404 as that of "continuation," and required an amendment to the priority claim indicating that the specific relationship is that of "continuation-in-part."

Petitioner disagrees with the examiner's statement of the specific relationship *per se*, complains that the examiner has refused entry of his imposed required amendment in the absence of a petition and fee under 37 CFR 1.78, and, in any event, petitioner contends that since a reference to each prior application was present on filing, the timing requirements of 37 CFR 1.78 have been met such that a petition and fee under 37 CFR 1.78 are not now required. Petitioner thus poses the question: whether the timing requirements of 37 CFR 1.78(a)(2) should be applied under the facts of this case.

Petitioner is advised that by its terms, 37 CFR 1.182 only applies when no other rule(s) provides for the question. As to the underlying question as to whether the examiner is correct in objecting to applicant's initial denomination of the specific relationship between the instant application and

prior nonprovisional 09/699,404 as being that of a continuation as opposed to continuation- in-part, 37 CFR 1.181(a) specifically provides for review of the examiner's objection and requirement, as such is not a matter subject to appeal. See MPEP 1002.03(c), ¶ 3, which indicates that the examiner's Group Director is the first level deciding official for review of any contested objection or requirement of the examiner. Since the regulations at 37 CFR 1.181(a)(3) and procedures of the USPTO at MPEP 1002.02(c) specifically provide for any review of the examiner's objection and requirement, the issue will not be further addressed herein under 37 CFR 1.182.[1]

It should be noted that under the amendments to the statute provided by the American Inventor's Protection Act, § 120 was amended to state that the Director could consider an applicant's failure to timely supply the "specific reference" to a prior application to be a waiver of the right to claim benefit, unless remedied by USPTO acceptance of an unintentionally delayed amendment and surcharge. The USPTO has construed the "specific reference" to include (1) the identification of the prior nonprovisional application, and (2) an indication of the relationship between the prior and subsequent applications, and has set the time periods to be the later of either 4 months from the filing date of the later application, or 16 months from the filing dat6e of the prior application. See 37 CFR 1.78(a)(2).

As to whether the time periods of 37 CFR 1.78(a)(2) should be applied under the present circumstances, the USPTO has also taken the position that the time periods of the regulation do apply to adding, or correcting, a benefit claim after filing. See the notice "Claiming the benefit of a prior-filed application under 35 U.S.C. §§ 119)(e), 120, 121, and 365(c),".1268 *Off. Gaz. Pat. Off.,* 89, (March 18, 2003) (copy enclosed), Part V, under the caption "Correcting or Adding a benefit claim after filing:"

> Any request for a corrected filing receipt to include a corrected or added benefit claim must be submitted within the time period required by 37 CFR 1.78(a) and be accompanied by an amendment to the specification, or an application data sheet.

Since the circumstance described herein involves a correction to the specific reference (i.e., continuation, divisional or continuation-in-part) to the prior non-provisional application, the time periods of 37 CFR 1.78 do apply. Id. It is noted that the "specific reference" required of a benefit claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) must include identification of, and the relationship between the involved applications. Further, the above-identified notice also indicates that the specific relationship (i.e., whether a given application is a continuation, divisional, or continuation-in-part of a prior application) involves mutually exclusive terms. Thus, the as-filed indication in the specification that the specific relationship was that of

---

[1]37 CFR 1.182 is not a mechanism for avoiding the requirements of the established rules and procedures. See Hicks v. Costello, 1903 Dec. Comm'r Pat. 123, 125 (Comm'r Pat. 1903).

continuation, is mutually exclusive of, and is, therefore, not the same relationship as, the continuation-in-part relationship that was admittedly not presented within the time limit of 37 CFR 1.78(a)(2). See id. under the caption "Examples:"

> As stated previously, to specify the relationship between the nonprovisional applications, applicant must specify whether the subject application is a continuation, divisional, or continuation-in-part of the prior nonprovisional application. Note that the terms are exclusive. An application cannot be, for example, both a continuation and a divisional, or a continuation and a continuation-in-part, of the same parent application.

It follows that the contention that the as-filed specified relationship of continuation tolled the filing period and fulfilled the other requirements of 37 CFR 1.78 such that the later specified--but mutually exclusive-- relationship of continuation-in-part may be made in the absence of a petition and surcharge under the rule, must fall. The notice also indicates that promptly specifying the correct specific relationship is important, in that the nonprovisional application may be published with incorrect information:

> the designation of an application as a continuation (rather than as a continuation-in-part) is an indication that the entire invention claimed in an application has support in the prior application, whereas the designation of an application as a continuation-in-part is an indication that the claimed invention is not entirely supported by the prior application. Thus, the specific relationship between nonprovisional applications in a chain of benefit claims and the indication of the specific nonprovisional application(s) that is directly claiming the benefit of a provisional application, will provide the information that is needed by examiners and the public in order to determine the effective prior art date of the application publication, or patent, under 35 U.S.C. 102(e).

See id. under the caption "Statement of the Problem: Background."[2] To the extent hat 37 CFR 1.182 is here applicable to the issue as stated by petitioner, the timing requirements of 37 CFR 1.78(a) do apply and control the issue. Since the timing requirements of 37 CFR 1.78(a) here govern, 37 CFR 1.182 may not be used to obviate those requirements.

Should applicant wish to present a petition under 37 CFR 1.78, a petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) is applicable to those applications, as here, 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), as here. In addition, the petition under 37 CFR 1.78(a)(3) must be accompanied by:

---

[2] It is noted that the above-identified non-provisional application was published on 09/26/2002 as US20020137902A1, with the as-filed specified relationships.

(1) the specific reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) of the prior-filed application(s), unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Lastly, the request for refund of the petition fee required for a petition under 37 CFR 1.182 is declined. The fee was owed on the filing of the petition under the terms of the rule, regardless of the outcome of this decision.

Any forthcoming petition under 37 CFR 1.78 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:

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

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

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3217.

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

ATTACHMENT : copy of 1268 *O.G.* 89 (March 18, 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

LAURENCE P. COLTON
1201 WEST PEACHTREE STREET, NW
14TH FLOOR
ATLANTA, GA 30309-3488

COPY MAILED

AUG 14 2006

OFFICE OF PETITIONS

In re Application of :
Allan S. Myerson, et. al. :
Application No. 10/056,490 : ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. 14960.002USB :

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on July 18, 2006, to revive the above-identified application.

The application became abandoned for failure to timely respond to the Notice of Allowance and Fee(s) Due mailed June 2, 2005. A Notice of Abandonment was mailed on October 26, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $700 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application file is being referred to the Office of Publications to be processed into a patent.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 16

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

COPY MAILED

AUG 15 2005

OFFICE OF PETITIONS

In re Application of :
Bahram Javidi :
Application No. 10/056,497 : ON PETITION
Filed: January 23, 2002 :
Attorney Docket No. UCT-0018 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 21, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The statement claiming small entity status in accordance with 37 CFR 1.27 embodied in the petition under 37 CFR 1.137(b) has been made of record and small entity status has been accorded.

The petition satisfies the requirement of 37 CFR 1.137 (b) in that petitioner has supplied (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 petition of March 21, 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 file is being forwarded to Technology Center 2600, Art Unit 2621 for further processing.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 6

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AUG 09 2002

OFFICE OF PETITIONS

JACKSON WALKER LLP
Suite 2100
112 E. Pecan
San Antonio, TX 78205-3731

In re Application of :
Aghassi, et al. :
Application No. 10/056,511 : DECISION GRANTING STATUS
Filed: January 31, 2002 : UNDER 37 CFR 1.47(a)
Attorney Docket No. P-6335.02(CONT):
For: CHEMICAL DISPENSING SYSTEM AND:
METHOD :

This is in response to the petition under 37 CFR 1.47(a), filed June 10, 2002.

The petition is **GRANTED**.

Petitioner has shown that inventor Kim Franceshini has refused to join in the filing of the above-identified application after having been presented with the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

KIM FRANCESHINI
16056 FONTAINE AVENUE
AUSTIN, TX 78734

COPY MAILED

AUG 0 9 2002

OFFICE OF PETITIONS

In re Application of :
Aghassi, et al. :
Application No. 10/056,511 : LETTER
Filed: January 31, 2002 :
Attorney Docket No. P-6335.02(CONT):
For: CHEMICAL DISPENSING SYSTEM AND:
METHOD :

Dear Sir:

You are named as a joint inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0310. 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).

Alesia M. Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

CC: JACKSON WALKER LLP
Suite 2100
112 E. Pecan
San Antonio, TX 78205-3731

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ANTHONY EDW. J CAMPBELL
PO BOX 160370
AUSTIN TX 78716

COPY MAILED

NOV 0 3 2005

OFFICE OF PETITIONS

In re Application of	:	
Pehrson, Jacqueline Victoria	:	
Application No. 10/056,535	:	ON PETITION
Filed: January 23, 2002	:	
Attorney Docket No. BMA2015	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed October 24, 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 the issue 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.

There is no indication that petitioner has submitted an Issue Fee Transmittal Form (PTOL-85b). Accordingly, if petitioner desires to have the information normally found thereon printed on the patent, the attached blank Issue Fee Transmittal Form should be completed and returned to the Publishing Division within **ONE MONTH** from the mail date of this decision.

This matter is being referred to the Publishing Division for processing into a patent.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3282.

Liana Chase
Petitions Examiner
Office of Petitions

Enclosure: Issue Fee Transmittal Form

OIPE JC109 JUL 29 2002 TRADEMARK OFFICE

[redacted] 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/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/056,536	01/22/2002	Leonid N. Grigorov	QPTC-1000US1 MEM/DBB

CONFIRMATION NO. 6040

FORMALITIES LETTER

OC000000007530869

Mark E. Miller, Esq.
FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, CA 94111-4156

RECEIVED
FEB 28 2002
FLIESLER DUBB, MEYER & LOVEJOY

Date Mailed: 02/25/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) 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.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

07/31/2002 BABRAHA1 00000106 10056536

01 FC:205 65.00 OP

OIPE JC109
JUL 29 2002
PATENT & TRADEMARK OFFICE

COPY OF PAPERS
ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	
Inventor(s):	Grigorov, et al.
SC/Serial No.:	10/056,536
Confirm. No.:	6040
Filed:	January 22, 2002
Title:	QUANTUM DEVICES BASED ON CRYSTALLIZED ELECTRON PAIRS AND METHODS FOR THEIR MANUFACTURE AND USE

PATENT APPLICATION

Art Unit: 2841
Examiner: Unknown

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Box Missing Parts, Commissioner for Patents, Washington, DC 20231**, on July 22, 2002.

D. Benjamin Borson (Attorney Signature)

D. Benjamin Borson, Ph.D., Reg. No. 42,349
Signature Date: July 22, 2002

RESPONSE TO NOTICE TO FILE MISSING PARTS

Box Missing Parts
Commissioner for Patents
Washington, DC 20231

Sir:

In response to the Notice to File Missing Parts of Application -- Filing Date Granted, dated February 14, 2002, enclosed are the following documents in connection with the above-identified application:

- ✓ Copy of Notice to File Missing Parts -- Filing Date Granted
- ✓ Declaration for Patent Application
- _____ Assignment and Assignment Recordation Form Cover Sheet
- _____ Power of Attorney
- _____ Statement(s) of small entity status
- ✓ Petition for an Extension of Time pursuant to 37 C.F.R. §1.136(a) for responding to the Notice to File Missing Parts
- _____ Information Disclosure Statement under 37 C.F.R. §1.56

_____ Preliminary Amendment

Patent Application Filing Fee

The patent application filing fee (if applicable) is calculated as shown below:

	No. Filed		No. Extra		Rate Small Entity/ Large Entity		
Basic Fee					$370.00 $740.00	=	$0
Total Claims ___**	- 20	=	___*	X	$ 9.00 $ 18.00	=	$0
Independent Claims ___**	- 3	=	___*	X	$ 42.00 $ 84.00	=	$0
First Presentation of Multiple Dependent Claim(s) ___					$140.00 $280.00	=	$0

Total PATENT APPLICATION FILING FEE: $ 0

* If the difference is less than zero, enter "0".
** Count claims after any amendment.

Total Fee

The Total Fee associated with this communication has been calculated as shown below:

_	Patent application filing fee		$
✓	Net fee for extension of time		$460.00
_	Assignment recording fee ($40.00)		$
✓	Surcharge under 37 C.F.R. §1.16(e) for late filing of filing fee or Declaration:		
	_ Large Entity	$130.00	$
	✓ Small Entity	$ 65.00	$ 65.00
TOTAL FEE DUE:			$525.00

Method of Payment of Fees

✓ A check in the amount of the TOTAL FEE DUE is enclosed.

✓ The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: July 22, 2002

By: _____
D. Benjamin Borson, PhD.
Reg. No. 42,349

FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone (415) 362-3800

OIPE JUL 29 2002 PATENT & TRADEMARK OFFICE TC1700

COPY PAPERS ORIGINALLY FILED

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application	
Inventor(s):	Grigorov, et al.
SC/Serial No.:	10/056,536
Confirm. No.:	6040
Filed:	January 22, 2002
Title:	QUANTUM DEVICES BASED ON CRYSTALLIZED ELECTRON PAIRS AND METHODS FOR THEIR MANUFACTURE AND USE

PATENT APPLICATION

Art Unit: 2841
Examiner: Unknown

Customer No. 23910

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.8

I hereby certify that this correspondence is being deposited in the United States Postal Service with sufficient postage as first class mail in an envelope addressed to **Commissioner for Patents, Washington, DC 20231**, on July 22, 2002.

D. Benjamin Borson (Attorney Signature)

D. Benjamin Borson, Ph.D., Reg. No. 42,349

Signature Date: July 22, 2002

PETITION FOR EXTENSION OF TIME UNDER 37 C.F.R. §1.136

Commissioner for Patents
Washington, DC 20231

Sir:

In the Notice to Filing Missing Parts, mailed February 25, 2002, a shortened period for response was set to expire on April 25, 2002.

Pursuant to 37 C.F.R. §1.136(a), Applicants hereby petition the Commissioner for an extension of time for responding to the Notice of Missing Parts up to and including August 14,2002.

__X__ Applicant hereby claims small entity status.

07/31/2002 BABRAHA1 00000105 10056536
01 FC:217 460.00 OP

The amount of the petition fee set by 37 C.F.R. §1.17 is determined as follows:

Fee (Large Entity/Small Entity)		Extended Month
_____	$110.00/$55.00	First
_____	$400.00/$200.00	Second
__X__	$920.00/$460.00	Third
_____	$1,440.00/$720.00	Fourth
_____	$1,960.00/$980.00	Fifth

TOTAL PETITION FEE $ 460.00

The TOTAL PETITION FEE is included with the payment of other papers filed together with this petition.

The other papers enclosed or associated with this communication include:

__X__ A reply to the Notice of Missing Parts filed on July 22, 2002.

_____ A reply to the Office Action was previously filed on _____.

_____ A reply to the Office Action is filed herewith.

_____ A reply will be filed subsequently.

_____ A continuation application is filed herewith.

_____ A divisional application is filed herewith.

_____ A continuation-in-part application is filed herewith.

_____ A continued prosecution application is filed herewith.

_____ A Request for Continued Examination is filed herewith.

_____ "Small Entity" status for this application has previously been established.

_____ Other: _____.

The Commissioner is authorized to charge any underpayment or credit any overpayment associated with this communication to Deposit Account No. 06-1325. A duplicate copy of this authorization is enclosed.

Respectfully submitted,

Date: July 22, 2002 By: D. Benjamin Borson

D. Benjamin Borson, Ph.D.
Reg. No.

FLIESLER DUBB MEYER & LOVEJOY LLP
Four Embarcadero Center, Fourth Floor
San Francisco, California 94111-4156
Telephone: (415) 362-3800

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.
10/056,546	01/24/2002	Sankar Basu	YOR920020018	8796

48813 7590 07/02/2008
LAW OFFICE OF IDO TUCHMAN (YOR)
ECM #72212
PO Box 4668
New York, NY 10163-4668

EXAMINER	
DEBROW, JAMES J	

ART UNIT	PAPER NUMBER
2176	

NOTIFICATION DATE	DELIVERY MODE
07/02/2008	ELECTRONIC

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

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

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

pair@tuchmanlaw.com
idotuchman@gmail.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAILED

JUL 01 2008

TECHNOLOGY CENTER 2100

LAW OFFICE OF IDO TUCHMAN (YOR)
ECM #72212
P.O. BOX 4668
NEW YORK, NY 10163-4668

In re Application of: BASU, et al.
Application No.: 10/056,546
Filed: January 24, 2002
Attorney Docket No.: YOR920020018
For: METHOD AND APPARATUS FOR ACTIVE ANNOTATION OF MULTIMEDIA CONTENT

DECISION ON PETITION *UNDER 37 CFR §1.181*

This is a decision on the petition filed February 2, 2008 under 37 CFR § 1.181. No fee is required.

A review of the file record indicates that a Request for Continued Examination (RCE) under 37 CFR § 1.114 was filed in the instant application on May 1, 2008 along with an amendment and arguments. In accordance with 37 CFR § 1.114 (d), which states in part: ***If an applicant timely files a submission and fee set forth in § 1.17(e), the Office will withdraw the finality of any Office action and the submission will be entered and considered.*** The RCE request was processed by the Technology support staff on May 1, 2008. The accounting receipt date for the fee for filing of the RCE is May 2, 2008 ($810.00).

Accordingly, in view of the above stated reason, the instant petition, filed under 37 CFR §1.181 to withdraw the finality of the January 2, 2008, is rendered moot.

Accordingly, the petition under 37 CFR § 1.181 is **DISMISSED as MOOT**.

Petitioner's attention is directed to 37 CFR § 1.26 regarding refund of fees paid, which states in part: "***The Director may refund any fee paid by mistake or in excess of that required.***"
Since the processing fee for filing of the RCE is not a fee paid by mistake or in excess of that required, accordingly, the request to refund of the filing fee for filing the RCE is **DENIED**.

The application is being forwarded to the Examiner for action on the merits. Telephone inquiries should be directed to Brian Johnson at 571-272-3595.

Jack Harvey
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

DAVID C. BREZINA
BARNES & THORNBURG
PO BOX 2786
CHICAGO, IL 60690

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AUG 0 2 2004

OFFICE OF PETITIONS

In re Application of :
Stuart H. Thomson et al :
Application No. 10/056,572 : ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. 1095-1066.3 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 19, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue/publication fee in a timely manner in reply to the Notice of Allowance mailed January 30, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on May 1, 2004.

MPEP 5.02 states that "the Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the **date** indicated." Since the reply was not date, therefore, the reply is not entitled to the benefits of 37 CFR 1.8 since it was not dated.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

This matter is being referred to Publishing Division.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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LEWIS B. STERNFELS, ESQ.
3100 INGLEWOOD BLVD.
LOS ANGELES CA 90066-1062

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MAR 14 2008

OFFICE OF PETITIONS

In re Patent of :
Tat Hung Tong :
Pat. Number: 6,759,481 : ON PETITION
Issue Date: 07/06/2004 :
Title of Invention: :
SHAPE MEMORY STYRENE COPOLYMER :

This is a decision on the "Petition Under 37 CFR 1.377 to Accept Maintenance Fee Payment," filed January 16, 2008.

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 "Request for Reconsideration of Petition under [insert the applicable code section]". This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The patent issued July 7, 2004. Office records reveal that the three and one-half (3½) year maintenance was paid in the large entity amount on December 19, 2007.

Petitioner files the present petition and asserts that it was prepared to pay the maintenance fee, but could not, as the correspondence address and entity status had not been corrected. (Emphasis supplied), Petitioner provides that it acquired the proprietary interest in the patent by virtue of an assignment on March 6, 2007, recorded March 9, 2007, and that by virtue of that assignment, Petitioner filed a Change of Correspondence Address and Request to change the entity status from large to small on December 10, 2007.

Petitioner has not filed any evidence with the present petition that demonstrates that an attempt to pay the maintenance fee was made.

Applicable Law, Rules and MPEP

The applicable Rule, 37 CFR 1.377, states:

> (a) Any patentee who is dissatisfied with the refusal of the Patent and Trademark Office to accept and record a maintenance fee which was filed prior to the expiration of the patent may petition the Director to accept and record the maintenance fee.
>
> (b) Any petition under this section must be filed within two months of the action complained of, or within such other time as may be set in the action complained of, and must be accompanied by the fee set forth in § 1.17(g). The petition may include a request that the petition fee be refunded if the refusal to accept and record the maintenance fee is determined to result from an error by the Patent and Trademark Office.
>
> (c) Any petition filed under this section must comply with the requirements of § 1.181(b) and 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.

Analysis

Petitioner states that it was prepared to pay the maintenance fee; however, the rule applies where has been a refusal of this Office to accept and record a maintenance fee. Petitioner does not aver that this Office refused to accept and record a maintenance fee, but only that it was prepared to pay the maintenance fee. Petitioner has not demonstrated that an attempt to pay the three and one-half (3½) year maintenance fee was made, and that the attempted payment was refused.

Regarding payment of the maintenance fee, the applicable rule 37 CFR 1.366, Submission of maintenance fees, provides:

> (a) The patentee may pay maintenance fees and any necessary surcharges, or any person or organization may pay maintenance fees and any necessary surcharges on behalf of a patentee. Authorization by the patentee need not be filed in the Patent and Trademark Office to pay maintenance fees and any necessary surcharges on behalf of the patentee.

In this instance, the three and one-half (3½) year maintenance fee was paid when due, in the amount due, thus no maintenance fee is currently due.

Regarding the Change of Correspondence Address, Petitioner is advised that, in patented files: requests for changes of correspondence address, powers of attorney, revocations of powers of attorney, withdrawal of attorney and submissions under 37 CFR 1.501: Designation of, or changes to, a fee address, should be addressed to Mail Stop M Correspondence, or transmitted via facsimile to 571-273-6500. See, 37 CFR 1.363 and MPEP 2540. A copy of the "Fee Address" Indication Form is enclosed.

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

Derek L. Woods
Attorney
Office of Petitions

Enclosure: "Fee Address" Indication Form

PTO/SB/47 (09-06)
Approved for use through 04/30/2009. OMB 0651-0016
U.S. Patent and Trademark Office; U. S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

"FEE ADDRESS" INDICATION FORM

Address to:
Mail Stop M Correspondence
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

- OR -

Fax to:
571-273-6500

INSTRUCTIONS: The issue fee must have been paid for application(s) listed on this form. In addition, only an address represented by a Customer Number can be established as the fee address for maintenance fee purposes (hereafter, fee address). A fee address should be established when correspondence related to maintenance fees should be mailed to a different address than the correspondence address for the application. **When to check the first box below:** If you have a Customer Number to represent the fee address. **When to check the second box below:** If you have no Customer Number representing the desired fee address, in which case a completed Request for Customer Number (PTO/SB/125) must be attached to this form. For more information on Customer Numbers, see the Manual of Patent Examining Procedure (MPEP) § 403.

For the following listed application(s), please recognize as the "Fee Address" under the provisions of 37 CFR 1.363 the address associated with:

☐ Customer Number: _____

OR

☐ The attached Request for Customer Number (PTO/SB/125) form.

PATENT NUMBER (if known)	APPLICATION NUMBER

Completed by (check one):

☐ Applicant/Inventor _____ Signature

☐ Attorney or Agent of record _____ (Reg. No.) _____ Typed or printed name

☐ Assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96) _____ Requester's telephone number

☐ Assignee recorded at Reel _____ Frame _____ _____ Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more that one signature is required, see below*.

☐ *** Total of _____ forms are submitted.**

This collection of information is required by 37 CFR 1.363. 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 5 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND COMPLETED FORMS TO THIS ADDRESS.
SEND TO: Mail Stop M Correspondence, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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

Privacy Act Statement

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

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

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

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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ELIZABETH A. LEVY
BAYER HEALTHCARE LLC
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NORWOOD, MA 02062-4637

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OFFICE OF PETITIONS

In re Application of :
Gary E. Rehm :
Application No. 10/056,623 : ON PETITION
Filed: Janaury 28, 2002 :
Attorney Docket No. MSE #2620 :

This is a decision in response to the petition, filed October 30, 2006, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, in accordance with 37 CFR 1.34(a), the signature of Richard L. Sampson appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Sampson desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 1, 2005, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extension of time under the provisions of 37 CFR 1.136(a) was obtained. On September 13, 2005, a Notice of Abandonment was mailed. In response, on October 30, 2006 the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the response in the form of an election of the invention to be examined; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay[1].

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. All other inquiries regarding this application should be directed to the Technology Center.

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While 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, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being referred to Technology Center AU 1743 for consideration of the response filed October 30, 2006.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: RICHARD L. SAMPSON, ESQ.
SAMPSON & ASSOCIATES, P.C.
50 CONGRESS STREET
BOSTON, MA 02109

UNITED STATES PATENT AND TRADEMARK OFFICE

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CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Sayeed A. Mir et al :
Application No. 10/056,634 :
Filed: January 23, 2002 :
Attorney Docket No. DP-301063/DE3-0124-D :

This is a decision on the petition, filed October 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 June 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]

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the instant petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address currently of record until such time as appropriate instructions are received to the contrary.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

The examiner of Technology Center AU 2858 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

cc:
MICHAEL D. SMITH
DELPHI TECHNOLOGIES, INC.
5825 DELPHI DRIVE
TROY, MI 48098

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)
6476982	2002-11-05	10056644	2002-01-23	id 060007

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	/DJCushing/	Date (YYYY-MM-DD)	2007-12-14
Name	David J. Cushing	Registration Number	28703

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES 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. 6476982
Issue Date: November 5,2002
Application No. 10056644
Filed: January 23,2002
Attorney Docket No. 02032/LH

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

This is a decision on the electronic petition, filed December 14,2007 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of December 14,2007. This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
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GEORGE O. SAILE & ASSOCIATES
28 DAVIS AVENUE
POUGHKEEPSIE NY 12603

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OFFICE OF PETITIONS

In re Application of :
Burn J. Lin : DECISION GRANTING PETITION
Application No. 10/056,650 : UNDER 37 CFR 1.137(b)
Filed: January 28, 2002 :
Attorney Docket No. TS00-387 :

This is a decision on the petition under 37 CFR 1.137(f), filed May 11, 2004, which is being treated as a petition under 37 CFR 1.137(b) to accept an unintentionally delayed notification of the filing in a foreign country of an application directed to the invention disclosed in the subject application.

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

Petitioner indicates that the instant nonprovisional application became the subject of an application filed in a foreign country on April 4, 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.

Therefore, pursuant to the provisions of 35 U.S.C. §122(b)(2)(B)(iii) and 37 CFR 1.213(c), petitioner failed 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(b) to accept an unintentionally delayed notification to the USPTO of the filing of a counterpart application in an eighteen month publication country 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 Office of a foreign or international filing within 45 days as provided by 35 U.S.C. §122(b)(2)(B)(iii) is accepted as having been unintentionally delayed.

The application is being referred to Publishing Division to await the reply to the Notice of Allowance and Fee(s) Due mailed April 1, 2004.

Any inquiries concerning this decision 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/01/09

TO SPE OF : ART UNIT 2611

SUBJECT : Request for Certificate of Correction for Appl. No.: 10056659 Patent No.: 7065137 B2

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

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

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

_____

_____

_____

_____

_____ 2611
SPE **Art Unit**

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HEWLETT PACKARD COMPANY
INTELLECTURAL PROPERTY ADMINISTRATION
P.O. BOX 272400
3404 E. HARMONY ROAD
FORT COLLINS, CO 80527-2400

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SEP 11 2008

OFFICE OF PETITIONS

In re Application of :
Simpson et al. :
Application No. 10/056,687 : DECISION ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. 10008198-1 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed May 14, 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 September 20, 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 December 21, 2007. A Notice of Abandonment was mailed April 30, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an Amendment, (2) the petition fee of $1,540.00 charged to petitioner's deposit account as authorized, and (3) an adequate statement of unintentional delay.

Petitioner also submitted a Request for Continued Examination (RCE) with the instant petition. However, an applicant cannot request continued examination of an application until after prosecution in the application is closed. See 37 CFR **1.114(a)**. Prosecution in an application is closed if the application is under appeal, or the last Office action is a final action (37 **CFR 1.113**), a notice of allowance (37 CFR **1.311**), or an action that otherwise closes prosecution in the application (*e.g.*, an Office action under *Ex parte Quayle*, 25 USPQ 74, 453 O.G. 213 (Comm'r Pat. 1935)). The last Office action in the instant application was a non-final action. Accordingly, an RCE would not be proper.

It is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a),

the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Further, the address given on the petition differs from the new 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.

This application is being referred to Technology Center AU 2157 for appropriate action by the Examiner in the normal course of business on the reply received.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: Michael Dryja
1474 N. Cooper Road #105-248
Gilbert, AZ 85233

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 6

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SEP 2 5 2002

OFFICE OF PETITIONS

PATRICK J S INOUYE P S
810 3RD AVENUE
SUITE 258
SEATTLE, WA 98104

In re Application of
Kouznetsov, et al.
Application No. 10/056,702
Filed: January 25, 2002
Atty. Dkt. No.: 002.0230.01
For: SYSTEM AND METHOD FOR PROVIDING A FRAMEWORK FOR NETWORK APPLIANCE MANAGEMENT IN A DISTRIBUTED COMPUTING ENVIRONMENT

: DECISION GRANTING
: PETITION UNDER 37 CFR
: 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed June 26, 2002.

The petition is **GRANTED**.

Petitioner has shown that inventor Daniel Melchione has refused to join in the filing of the above-identified application after having been presented with the application papers.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be returned to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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DANIEL MELCHIONE
10380 SW 152ND TERRACE
BEAVERTON, OREGNO 97007

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SEP 2 5 2002

OFFICE OF PETITIONS

In re Application of
Kouznetsov, et al.
Application No. 10/056,702
Filed: January 25, 2002
Atty. Dkt. No.: 002.0230.01
For: SYSTEM AND METHOD FOR PROVIDING A FRAMEWORK FOR NETWORK APPLIANCE MANAGEMENT IN A DISTRIBUTED COMPUTING ENVIRONMENT

LETTER

Dear Sir:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0310. 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).

Alesia M. Brown
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

CC: PATRICK J S INOUYE P S
810 3RD AVENUE
SUITE 258
SEATTLE, WA 98104

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KINNEY & LANGE, P.A.
THE KINNEY & LANGE BUILDING
312 SOUTH THIRD STREET
MINNEAPOLIS, MN 55415-1002

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OFFICE OF PETITIONS

In re Application of :
Aune et al. :
Application No. 10/056,715 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. O119.12-0013 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed November 2, 2004, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the final Office action mailed March 12, 2004. A two-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, this application became abandoned on August 13, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is being referred to Technology Center 1700 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
Office of the Deputy Commissioner
for Patent Examination Policy

023070-010130US KL

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Paper No. 10

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

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APR 02 2003

OFFICE OF PETITIONS

In re Application of
Stephen R. Spindler
Application No. 10/056,749
Filed: January 22, 2002
Attorney Docket No. 02307O-010130US

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 19, 2002, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 09/471,224, filed December 23, 1999, set forth in the application data sheet 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

[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).

> (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.

The instant pending application was filed on January 22, 2002, 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 application data sheet, 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 application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, 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.

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 1634 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 No. 09/471,224, filed December 23, 1999.

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

ATTACHMENT: Corrected Filing Receipt

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MAY 16 2005

Lerner and Greenberg PA
Post Office Box 2480
Hollywood FL 33022-2480

In re Application of:
Gottfried Ferber et al.
Serial No.: 10/056,770
Filed: January 24, 2002
U.S. Patent No. 6,853,088
Issued: February 6, 2005
Attorney Docket No. WMP-EUP-008

DECISION RETURNING
PRIOR ART CITED UNDER
35 U.S.C. § 301

The prior art citation under 35 U.S.C. § 301 and 37 C.F.R. § 1.501, filed by the patent owner on May 5, 2005, is before the Group Director of Examining Group 2800 for consideration.

STATUTES, REGULATIONS AND PRACTICE

35 U.S.C. § 301 reads as follows:

> Any person at any time may cite to the Office in writing prior art consisting of patents or printed publications which that person believes to have a bearing on the patentability of any claim of a particular patent. If the person explains in writing the pertinency and manner of applying such prior art to at least one claim of the patent, the citation of such prior art and the explanation thereof will become a part of the official file of the patent. At the written request of the person citing the prior art, his or her identity will be excluded from the patent file and kept confidential. (Emphasis added.)

37 C.F.R. § 1.501 reads, in pertinent part:

> (a) At any time during the period of enforceability of a patent, any person may cite to the Patent and Trademark Office in writing prior art consisting of patents or printed publications which that person states to be pertinent and applicable to the patent and believes to have a bearing on the patentability of any claim of a particular patent. If the citation is made by the patent owner, the explanation of

> pertinency and applicability may include an explanation of how the claims differ from the prior art. (Emphasis added.)

Section 2205 of the Manual for Patent Examining Procedure (M.P.E.P.) reads, in pertinent part:

> The prior art which may be submitted under 35 U.S.C. 301 is limited to "written prior art consisting of patents or printed publications."
>
> An explanation is required of how the person submitting the prior art considers it to be pertinent and applicable to the patent, as well as an explanation of why it is believed that the prior art has a bearing on the patentability of any claim of the patent. Citations of prior art by patent owners may also include an explanation of how the claims of the patent differ from the prior art cited. . . .
>
> A prior art citation is limited to the citation of patents and printed publications and an explanation of the pertinency and applicability of the patents and printed publications. This may include an explanation by the patent owner as to how the claims differ from the prior art. (Emphasis added.)

Section 2206, II, B of the M.P.E.P. reads in pertinent part:

> If an improper prior art citation under 37 C.F.R. 1.501 is filed by the patent owner prior to an order for reexamination, it should not be entered in the file. The patent owner should be notified of the nonentry, and the citation papers should be returned to the patent owner along with the notification.

DECISION

The citation of prior art lacks an explanation of the pertinency and the manner of applying the cited prior art to at least one claim of the patent. Accordingly, the citation of prior art filed February 28, 2005 does not meet the requirements for entry into the patent file. The citation is being returned to the patent owner pursuant to M.P.E.P. § 2206, II, B.

This decision is made of record in the patent file.

James Dwyer, TC Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

Enclosure: Citation of prior art filed May 5, 2005

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OCT 12 2004

JAY P. BRUNELLE
EXELIXIS, INC.
170 HARBOR WAY
P. O. BOX 511
SOUTH SAN FRANCISCO, CA 94803-0511

In re Application of :
Mario N. Lioubin et al :
Serial No.: 10/056,790 : PETITION DECISION
Filed: January 23, 2002 :
Attorney Docket No.: EX02-004C :

This is in response to the petition under 37 CFR 1.181, filed May 6, 2004, requesting withdrawal of Finality of the last Office action. The delay in acting on this petition is regretted.

BACKGROUND

A review of the file history shows that the examiner mailed a non-Final Office action to applicants on August 1, 2003, setting a three month shortened statutory period for reply in which claims 8-12 were rejected under 35 U.S.C. 112, second paragraph, as indefinite, and under first paragraph, as lacking enablement.

Applicants replied on October 27, 2003, by removing hyperlinks from the specification and amending claim 8, all non-elected claims (1-7 and 13-51) being canceled. Applicants argued the amendments overcame each of the rejections of record.

The examiner mailed a Final Office action to applicants on January 9, 2004, setting a three month shortened statutory period for reply. The examiner maintained the rejection under 35 U.S.C. 112, second paragraph, for essentially the same reasons as before and replied to applicants' arguments. The examiner also set forth a rejection under 35 U.S.C. 112, first paragraph, for lack of written description. The examiner made the action Final.

Applicants, in a telephone interview with the examiner, and then by reply filed February 25, 2004, objected to the finality of the Office action and the examiner agreed that the finality was improper. The impropriety was based on a new ground of rejection having been made which was not necessitated by applicants' amendments. The reply addressed both rejections and further amended claim 8.

The examiner mailed a new Office action to applicants on March 22, 2004, noting that the previous Office action was improper and withdrawing it in favor of the current Office action. The examiner then repeated the rejections of the previous Office action. The examiner noted the amendment of February 25, 2004, but refused to enter the amendment as not complying with requirements of form from a previous Office action. The examiner then made the action Final, reasoning that applicants' amendments necessitated the new ground of rejection.

Applicants filed this petition on May 6, 2004, requesting that the finality be withdrawn as improper, as well as a reply to the Office action.

DISCUSSION

Applicants petition the Finality of the last Office action on the basis that the new rejection made in the Final Office action of March 22, 2004, was not necessitated by applicants actions or amendments. Applicants further question the non-entry of the amendments filed February 25, 2004.

The examiner's actions are contradictatory on their face. Having made a rejection Final (January 9, 2004) and then having agreed that the finality was premature and would be withdrawn, the examiner had no right to refuse entry of the amendment filed February 25, 2004, except for matters of non-compliance with 37 CFR 1.121. So far as can be determined the amendment complies with the Rules and should have been entered as a matter of right since the response was to a non-Final Office action (which had originally been made Final). The next Office action also specifically withdraws the previous Office action (see first paragraph, page 2), thus the amendment filed February 25, 2004, is merely a supplemental amendment to the amendment of October 27, 2004, and entitled to entry as a further reply to a non-Final Office action.

The examiner then repeats the rejections of the Office action of January 9, 2004, with little modification and no consideration of the supplemental reply and makes the action Final arguing that applicants' amendment (which one is not stated) necessitated the new ground of rejection. This is also contradictatory since the amendments to claim 8 merely further define and clarify by insertion of SEQ ID No's terms already in the claims. If these terms now lack written description, they must have lacked written description when first considered. No written description rejection was made in the first Office action and its appearance in the second and subsequent Office actions as a replacement for the enablement rejection in the first Office action constitutes a new ground of rejection which was not necessitated by applicants' amendments to the claims. Thus the Finality of the Office action of March 22, 2004, is in error and is withdrawn.

The petition is **GRANTED**. The Office action mailed March 22, 2004 is designated a non-Final Office action

As applicants have replied to the March 22, 2004 Office action, the response will be entered and 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, 703-872-9306.

Jasemine C. Chambers
Director, Technology Center 1600

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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

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MAR 16 2006

OFFICE OF PETITIONS

In re Application of :
Alan Y. Chow et al :
Application No. 10/056,793 :
Filed: January 23, 2002 :
Attorney Docket No. 3614/63 :

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed January 27, 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 Vincent J. Gnoffo on behalf of all attorneys of record who are associated with customer No. 757.

All attorneys/agents associated with the Customer Number 757 have been withdrawn.

Applicants are 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.

Telephone inquires concerning this decision should be directed to Wan Laymon at 571-272-3220.

This matter is being referred to Publishing Division.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: VEDDER PRICE KAUFMAN & KAMMHOLZ P.C.
222 NORTH LASALLE STREET
CHICAGO, IL 60601

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COMMISSIONER FOR PATENTS
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WILLIAM D. MCSPADDEN
BAKER & MCKENZIE LLP
PATENT DEPARTMENT
2001 ROSS AVENUE
SUITE 2300
DALLAS, TX 75201

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OFFICE OF PETITIONS

In re Application of	:	
Patrick G. Whitney	:	
Application No. 10/056,795	:	DECISION ON REQUEST
Filed: January 24, 2002	:	TO WITHDRAW
Attorney Docket No. 24118944.9	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 CFR § 1.36(b), filed October 11, 2005.

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 CFR § 1.136(a).

The request was signed by William D. McSpadden, on behalf of himself and all the attorneys/agents of record. All the attorneys/agents of record have been withdrawn.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

Applicant is reminded that there is no attorney of record at this time.

There is no outstanding Office action that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: Patrick Whitney
P.O. Box 86657
Madeira Beach, FL 33738

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TWO PRUDENTIAL PLAZA, SUITE 4900
180 NORTH STETSON AVENUE
CHICAGO IL 60601-6780

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OFFICE OF PETITIONS

In re Application of :
Balaji Venkataraman :
Application No. 10/056,805 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. 217950 :

This is a decision on the petition, filed October 27, 2004, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for express abandonment. See 37 CFR 1.313(c)(3).

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

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The application is being forwarded to Files Repository.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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MEDTRONIC, INC.
710 MEDTRONIC PARKWAY NE
MS-LC340
MINNEAPOLIS MN 55432-5604

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OFFICE OF PETITIONS

In re Application of :
Ocel et al. :
Application No. 10/056,807 : DECISION ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. M190.134.101 :

This is a decision on the petition under 37 CFR 1.137(b), filed September 22, 2005, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a reply to a non-final Office Action mailed February 16, 2005. The non-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 May 17, 2005. A Notice of Abandonment was mailed on August 24, 2005.

This petition is hereby **GRANTED**.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

There is no indication that the person signing the present petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. If the person signing the present petition desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted.

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

This application is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

cc: DICKE BILLIG AND CZAJA
100 SOUTH FIFTH STREET, SUITE 2250
MINNEAPOLIS, MN 55402
ATTN: TIMOTHY CZAJA

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NAVAL AIR WARFARE CENTER AIRCRAFT
DIVISION OFFICE OF COUNSEL BLDG 435
SUITE A
47076 LILJENCRANTZ ROAD UNIT 7
PATUXENT RIVER MD 20670

COPY MAILED

MAY 23 2006

OFFICE OF PETITIONS

In re Application of :
Thoman, et al. :
Application No. 10/056,812 : ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. NC 73962 :
For: LIGHTWEIGHT THERMAL HEAT TRANSFER APPARATUS

This is a decision on the petition under 37 CFR 1.181, filed May 2, 2006 (certificate of mailing date May 1, 2006) to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 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. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

The Office contends that the above-identified application became abandoned for failure to submit a reply to the February 9, 2004 non-final Office action which set an extendable one month period for reply. No extensions of time or reply being received, the Office considered this application abandoned on March 10, 2004. No Notice of Abandonment has been mailed.

Petitioners allege that the February 9, 2004 non-final Office action was not received. Petitioners explain the mail processing procedure in use at the correspondence address of record and describe the contents of the case file for the above-identified application. Petitioners state that the February 9, 2004 non-final Office action is not present in the case file for the above-identified application.

The showing required to establish non-receipt of an Office communication must include:

1. 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.

2. 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]

A review of the record indicates no irregularity in the mailing of the February 9, 2004 non-final Office action, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to the applicant at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

The showing in the instant petition is not sufficient to withdraw the holding of abandonment because (1) practitioner did not include a statement that a thorough search of applicable docket records was conducted and (2) practitioner did not include a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioners have not provided adequate evidence of non-receipt. The petition is dismissed.

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 may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NAVAL AIR WARFARE CENTER AIRCRAFT
DIVISION OFFICE OF COUNSEL BLDG 435
SUITE A
47076 LILJENCRANTZ ROAD UNIT 7
PATUXENT RIVER MD 20670

COPY MAILED

OCT 19 2006

OFFICE OF PETITIONS

In re Application of :
Thoman, et al. :
Application No. 10/056,812 : ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. NC 73962 :
For: LIGHTWEIGHT THERMAL HEAT TRANSFER APPARATUS

This is a decision on the reconsideration petition under 37 CFR 1.181, filed July 19, 2006 (certificate of mailing date July 18, 2006), to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The Office contended that the above-identified application became abandoned for failure to submit a reply to the February 9, 2004 non-final, which set an extendable one month period for reply. No extensions of time or reply being received, the Office considered this application abandoned on March 10, 2004. No Notice of Abandonment has been mailed.

Petitioners allege that the February 9, 2004 non-final Office action not received.

The showing required to establish non-receipt of an Office communication must include:

1. 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.
2. 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]

[1] See notice entitled "Withdrawing the Holding of Abandonment When Office Actions Are Not Received," 1156 O.G. 53 (November 16, 1993).

Petitioners have submitted a copy of the docket record where the requirement would have been entered had the February 9, 2004 non-final Office action been received. In addition, practitioner referenced the record in the petition and stated that a review of the application's file jacket and docket records for the February 9, 2004 non-final Office action was fruitless.

Petitioners have established non-receipt. The petition is **granted** and the holding of abandonment is withdrawn.

After the mailing of this decision, the application will be returned to Technology Center A.U. 3744 for consideration of the election filed on July 19, 2006 (certificate of mailing date July 18, 2006). (It is unnecessary to re-mail the February 9, 2004 non-final Office action because petitioners have already responded.)

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 3

Martin J. Jaquez, Esq.
JAQUEZ & ASSOCIATES
Suite 2640
750 B Street
San Diego CA 92101

MAILED

FEB 1 0 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Czaja Stanislaw et al :
Application No. 10/056,819 :
Filed: January 24, 2002 :
For: **METHOD AND APPARATUS FOR PERFORMING CELL SELECTION HANDOFFS IN A WIRELESS 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

PAUL F. WILLE
6407 EAST CLINTON ST.
SCOTTSDALE, AZ 85254

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MAY 0 2 2007

OFFICE OF PETITIONS

In re Application of :
Steven M. Domer, et al. :
Application No. 10/056,826 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. 10205.031 :

This is a decision in response to the petition, filed January 5, 2007, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

The application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed May 16, 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) was obtained. Accordingly, the application became abandoned on August 16, 2006. A Notice of Abandonment was mailed on December 11, 2006. In response, on January 5, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of an amendment, as well as a terminal disclaimer; (2) the petition fee of $750; and (3) the requisite statement of unintentional delay.

This application is being referred to Technology Center AU 2626 for further processing of the response filed January 5, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204. Inquiries relating to further prosecution should be directed to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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)
6908902	2005-06-21	10056828	2002-01-24	ORT-1573

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	/Yunling Ren/	Date (YYYY-MM-DD)	2009-08-20
Name	Yunling Ren	Registration Number	47019

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. 6908902
Issue Date: June 21,2005
Application No. 10056828
Filed: January 24,2002
Attorney Docket No. JPJR-0029(ORT-1573)

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

This is a decision on the electronic petition, filed August 20,2009 ,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 August 20,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLIED MEDICAL RESOUCES CORPORATION
22872 Avenida Empresa
Rancho Santa Margarita CA 92688

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SEP 25 2006

OFFICE OF PETITIONS

In re Application of :
Brustad :
Application No. 10/056,831 : ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. A-2207-AL :
For: SURGICAL ACCESS DEVICE WITH FLOATING GEL SEAL

This is a decision on the petition under 37 CFR 1.137(b), filed on May 9, 2006 to revive the above-identified application.

This application became abandoned for failure to timely respond to the final Office action mailed September 9, 2004, which set an extendable three month period for reply. An amendment after final, filed December 8, 2004, failed to place the application in *prima facie* condition for allowance. Accordingly, this application became abandoned on December 10, 2004. The filing of the present petition precedes the mailing of A Notice of Abandonment.

Applicant has submitted a RCE and required fee and a request to consider the previously filed amendment as the reply to the September 9, 2004 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the September 9, 2004 final Office action, and the petition fee.

The statement of unintentional delay was not signed by a person who would have been in a position of knowing that the delay in filing a timely response was unintentional. In the event that practitioner has no knowledge that the delay was in fact unintentional, practitioner should make a reasonable inquiry to ascertain that, in fact, the delay was unintentional. If practitioner discovers that the delay was intentional, practitioner must so notify the Office.

The petition is **GRANTED**.

The revocation/power of attorney filed on May 9, 2006 has been entered and made of record. Please find enclosed various Notices regarding the change in power of attorney.

After the mailing of this decision the application will be forwarded to Technology Center AU 3763 for consideration of the RCE filed on May 9, 2006.

Telephone inquiries pertaining to this decision may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

Enclosures: Notices regarding change in power of attorney

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

March 31, 2004

Paul T. Lavoie
Exxon Mobil Chemical Ci
Law Technology
] P. O. Box 2149
Baytown, TX 77522-2149

In re application of:
Xu, et al DECISION ON PETITION
Serial No.: 10/056,839
Filed: January 24, 2002
For: PRODUCTION OF HIGHER OLEFINS

This is a decision on the petitions received by fax on November 26, 2003, to withdraw the holding of abandonment in the above-identified application.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in timely manner to the Notice to File Missing Parts of Application mailed February 20, 2002. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned April 23, 2002. The notice of abandonment was mailed October 29, 2003.

On November 26, 2003, the office received a communication from the attorney of record. Enclosed was an acknowledgement that the attorney responded to the Notice to File Missing Parts on May 13, 2002, with one month of extension.

The evidence submitted is sufficient to establish that the petitioners responded to the Notice to File Missing Parts on May 13, 2002

The petition is hereby GRANTED.

The application will be completed with the documents received on September 23, 2002 and release to Technology Center 1764.

The office regrets any inconvenience this may have caused the client.

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

Doshie E. Day
Program Management Assistant
Office Initial Patent Examination

UNITED STATES PATENT and TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

JUL - 3 2002

UR
PAPER NO. 6

In re Application of :
Jeffrey D. Jordan et al. :
Serial No. 10/056,845 :
Filed: January 22, 2002 :
For: METHODOLOGY FOR THE EFFECTIVE :
STABILIZATION OF TIN-OXIDE-BASED :
OXIDATION/REDUCTION CATALYSTS :

DECISION
ON
PETITION
UNDER 708.02, V

This is in response to the petition filed January 22, 2002, requesting that the above-identified application be granted Special Status under Sections 708.02 (V) 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.**

Richard V. Fisher

Richard V. Fisher, Director
Technology Center 1700
Chemical and Materials Engineering

National Aeronautics and Space Adminitration
Langley Research Center
3 Langley Boulevard, Mail Stop 212
Hampton, VA 23681-2199

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 16, 2007

TO SPE OF : ART UNIT 2618

SUBJECT : Request for Certificate of Correction on Patent No.: 7092670 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.**
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.

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

Thank You For Your Assistance

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

☑ **Approved** — **All** changes apply.

☐ **Approved in Part** — Specify below which changes **do not** apply.

☐ **Denied** — State the reasons for denial below.

Comments:

EDWARD F. URBAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

2618
Art Unit

SPE

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.	:	7,092,670
APPLICATION NO.	:	10/056,849
ISSUE DATE	:	August 15, 2006
INVENTOR(S)	:	Makoto Tanaka, Toru Akazawa, and Rajesh Kumar Dixit

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:

- **Column 4, line 5, "immediate" should read --immediately--.**
- **Column 27, line 4, after "screen)", insert ".".**
- **Column 30, line 57, "includes" should read --include--.**
- **Column 32, line 45, after "in", insert "the".**
- **Column 32, line 61, after "and", insert "a".**
- **Column 33, lines 33-34, after "devices", delete "said primary connection unit".**
- **Column 33, line 58, "includes" should read --include--.**
- **Column 34, line 32, "portion" should read --portions--.**
- **Column 35, line 9, after "and", insert "a".**
- **Column 36, line 36, "includes" should read --include--.**
- **Column 37, line 20, after "establishing", delete "determining whether".**
- **Column 37, line 25, after "sending", delete ",".**
- **Column 40, line 35, after "of", insert "the".**
- **Column 41, line 28, after "of", insert "the".**

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Lawrence E. Russ
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP
600 South Avenue West
Westfield, New Jersey 07090

726262_1.DOC

JAN 25 2007

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 16, 2007

TO SPE OF : ART UNIT 2618

SUBJECT : Request for Certificate of Correction on Patent No.: 7092670 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.**
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.

Elisha Evans
Certificates of Correction Branch
Tel. No. 703-308-9390 EXT 110

Thank You For Your Assistance

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

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

Comments:

PLEASE, ENTER AMENDMENT. A.P.

MATTHEW ANDERSON
SUPERVISORY PATENT EXAMINER
SPE

2618
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 1 6 2002

OFFICE OF PETITIONS

LIU & LIU LLP
811 WEST SEVENTH STREET, SUITE 1100
LOS ANGELES CA 90017

In re Application of
Petroff, Yanagawa, and Muto
Application No. 10/056,860
Filed: January 23, 2002
Attorney Docket No. 1035/203
For: FLAT PANEL SPEAKER

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

This is a decision on the petition under 37 CFR 1.47(a), filed July 23, 2002.

The petition is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. Any response should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)" and may include an oath or declaration executed by the inventor. **Failure to respond will result in abandonment of the application.**

A grantable petition under 37 CFR 1.47(a) requires

(1) proof that the non-signing inventor cannot be found or reached after diligent effort or that the inventor refuses to sign after having been presented with the application papers (specification, claims, and drawings),
(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).

In addition to the above requirements, the signing inventors must sign the declaration on behalf of the non-signing inventor. See MPEP 409.03(a).

As to item (1), petitioner must establish that the non-signing inventors refused to sign the oath or declaration after being presented with the application papers. Petitioner has failed to establish that the non-signing inventors were presented with a copy of the application. An inventor cannot sign a declaration stating he or she has "reviewed and understands the application papers" when the inventor has not been presented with a copy of the application and therefore has not reviewed the application. Refusal within the meaning of 37 CFR 1.47 requires that the inventor be presented[1] with the application papers and given adequate time to review the contents of the application. Until the inventor reviews the papers and reads the specification and claims, he cannot know if he is actually an inventor of the claimed invention. Petitioner should send a copy of the application to the inventors along with instructions setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as a certified mail return receipt, cover letter of instructions, telegram, etc.

[1] It is not sufficient for an applicant to simply make the papers available. See MPEP, Section 409.03(d).

The petition states that the inventors "indicated that they would refuse to cooperate." Petitoner should fully discuss such "refusal." Petitioner should note that when there is an express oral refusal, that fact, along with the time and place of the refusal, must be stated in an affidavit or declaration by the party to whom the refusal was made. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the affidavit or declaration. If the non-signing inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

In order to expedite consideration, petitioner may wish to submit the renewed petition under 37 CFR 1.47 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:	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
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Paper No. 10

LIU & LIU LLP
811 WEST SEVENTH STREET, SUITE 1100
LOS ANGELES, CA 90017

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MAR 0 3 2003

OFFICE OF PETITIONS

In re Application of : DECISION GRANTING
Petroff, Yanagawa, and Muto : STATUS UNDER
Application No. 10/056,860 : 37 CFR 1.47(a)
Filed: January 23, 2002 :
Attorney Docket No. 1035/203 :
For: FLAT PANEL SPEAKER :

This is in response to the renewed petition under 37 CFR 1.47(a) filed February 24, 2003.

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.

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

After this decision is mailed, the above-identified application will be returned 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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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JUL 0 5 2005

Technology Center 2100

JAMES M. STOVER
NCR CORPORATION
1700 SOUTH PATTERSON BLVD, WHQ4
DAYTON OH 45479

In re Application of: MILBY
Application No. 10/056,880
Filed: October 26, 2001
For: JOINS OF RELATIONS IN AN OBJECT RELATIONAL DATABASE SYSTEM

DECISION ON PETITION UNDER 37 CFR § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the petition under 37 CFR § 1.181 to withdraw the holding of abandonment of the above-identified application filed via facsimile transmission on 18 April 2005.

The petition is **GRANTED**.

The application was held abandoned for failure to timely file a proper reply to the Office letter mailed 09 April 2004. A Notice of Abandonment was mailed 11 March 2005.

In support of the petition, petitioner has provided (1) a copy of an amendment filed in response to the Office action of mail date 09 April 2004 and (2) a copy of a postcard with a date stamp indicating receipt at the USPTO on 06 July 2004 of the above-mentioned amendment.

MPEP § 503 states:

> A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Petitioner has established that a response was filed on 06 July 2004. Thus, petitioner has established that a response was timely filed and the Abandonment was the result of Office error in not matching the response to the application file. Additionally, Office records reflect that $280.00 was charged to DA 50-1673 for additional claim fees on July 9, 2004.

The petition is **GRANTED**. The Notice of Abandonment is **WITHDRAWN**.

The application file is being forwarded to the Technology Center support staff for processing of the amendment. After processing, the application will then be forwarded to the examiner for appropriate action.

Pinchus M. Laufer
Special Program Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
571-272-3599

ds

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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Vedder Price PC
222 NORTH LASALLE STREET
CHICAGO, IL 60601

Mail Date: 06/25/2010

Applicant	: Vincent E. DeGiulio	: DECISION ON REQUEST FOR
Patent Number	: 7627666	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/056,887	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1553** 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.

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UNITED STATES DEPARTMENT OF COMMERCE
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Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,889	01/25/2002	Brian Swander	14917.0431US01	1769

27488 7590 12/27/2007
MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
WILLIAMS, JEFFERY L	

ART UNIT	PAPER NUMBER
2137	

MAIL DATE	DELIVERY MODE
12/27/2007	PAPER

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

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

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Timothy B. Scull
Merchant & Gould (Microsoft)
P.O. Box 2903
Minneapolis, MN 55402-0903

MAILED

DEC 27 2007

TECHNOLOGY CENTER 2100

In re Application of:
Brian SWANDER et al.
Appl. No.: 10/056,889
Filed: January 25, 2002
For: METHOD AND APPARATUS FOR FRAGMENTING AND REASSEMBLING INTERNET KEY EXCHANGE DATA PACKETS

DECISION ON PETITION
UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 11 December 2007, to expunge information submitted pursuant to MPEP § 724.05.

The petition is **DISMISSED**.

Petitioner requests that the information submitted on 11 December 2007 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

The petition is premature because the application has not been allowed or abandoned. Accordingly, it is not appropriate to make a final determination of whether or not the material requested to be expunged is "material," with "materiality" being defined as any information which the examiner considers as being important to a determination of patentability of the claims. Thus, the petition to expunge must be dismissed at this time.

During prosecution on the merits, the examiner will determine whether or not the information submitted on 11 December 2007 is considered to be "material." Once prosecution on the merits is closed, applicant may re-submit a petition to expunge the information. No further fee is required for such a second submission of a petition under 37 CFR § 1.59 to expunge information. If the information is not considered by the examiner to be material, the information will be expunged from the application and may be returned to applicant.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3613.

Vincent N. Trans, SPRE/QAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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FEB 03 2009

TECHNOLOGY CENTER 2100

Rene A. Pereyra
Merchant & Gould P.C.
PO Box 2903
Minneapolis, MN 55402-0903

In re Application of:
Brian Swander
Appl. No.: 10/056,889
Filed: January 25, 2002
For: Method and Apparatus for Fragmenting and Reassembling Internet Key Exchange Data Packets

DECISION ON PETITION UNDER 37 CFR § 1.59

This is a decision on the petition under 37 CFR § 1.59(b), filed on 26 November 2008, to expunge information submitted pursuant to MPEP § 724.02.

The petition is **GRANTED**.

Petitioner requests that the information submitted on 11 December 2007 be expunged from the record if found not to be important to a reasonable examiner in deciding whether to allow the application to issue as a patent. Petitioner states that the information contains materials that are trade secret and/or proprietary material and the information has not been otherwise made public. Petitioner states that the information contains materials that are subject to secret, proprietary and protective order. The petition fee set forth in 37 CFR § 1.17(g) has been paid.

Applicant is required to retain the expunged material(s) for the life of the patent.

Any inquiry concerning this decision should be directed to the undersigned whose telephone number is (571) 272-3612

/Tod Swann/
WQAS, Technology Center 2400
Network, Multiplex, Cable and Security

17 Attachments included

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/056,889	01/25/2002	Brian Swander	14917.0431US01	1769

27488 7590 02/03/2009

MERCHANT & GOULD (MICROSOFT)
P.O. BOX 2903
MINNEAPOLIS, MN 55402-0903

EXAMINER	
WILLIAMS, JEFFERY L	

ART UNIT	PAPER NUMBER
2437	

MAIL DATE	DELIVERY MODE
02/03/2009	PAPER

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

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

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NOV -1 2004

Paper No. 13

In re Application of
Thomas J. Lochtefeld *et al*
Application No. 10/056,893 : DECISION ON PETITION
Filed: January 24, 2002
Attorney Docket No. P-10334-U

This is a decision on the petition filed on September 17, 2004 by which petitioners request withdrawal of the holding that this application stands abandoned for failure to file a timely reply to the Office letter dated December 29, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is dismissed.

Petitioners allege that this application is not abandoned because petitioners did in fact file a timely and proper reply to the Office letter in question. Petitioners have supported this allegation by submitting a copy of the reply and a copy of a post card receipt showing that the reply was received in the Office on June 3, 2004, together with a request for a two month extension of time. The papers have affixed thereto a 37 CFR 1.8(a) certificate of mailing dated June 1, 2004, a Tuesday after a Monday holiday in the District of Columbia, and therefore a date within the period for filing a reply to Office letter in question, as extended. Therefore, it is clear that this a reply to the Office letter in question was timely filed. See 37 CFR 1.8(b).

However, the Office letter in question was a final rejection. Pursuant to 37 CFR 1.113 and 1.116, there are only certain replies to a final rejection that are proper replies within the meaning of the regulation. The reply filed by petitioners is an amendment, and could, therefore, only be a proper reply if it complied with 37 CFR 1.113(c) and 1.116. Accordingly, the reply was forwarded to the Supervisory Patent Examiner (SPE) of Art Unit 3711 for consideration. The SPE that the reply does not render the application allowable, and raises new issues.

The reply filed on June 3, 2004, although timely, was not a proper reply to the final rejection. Although petitioners were never so notified, petitioners' attention is directed to MPEP § 711.03(c) in which it is stated that

> "Evidence of nonreceipt of an Office communication or action (e.g. Notice of Abandonment or an advisory action) other than that action to which reply was required to avoid abandonment would not warrant withdrawal of the holding of abandonment."

Accordingly, there is no currently no basis upon which the holding of abandonment can be withdrawn. Petitioners are entitled to file a request for renewed petition without fee, provided that the renewed petition is filed within two months of the date of this decision. 37 CFR 1.181(f). Alternatively, petitioners may wish to proceed by filing a petition to revive this application under 37 CFR 1.137.

The application is being returned to storage as an abandoned file.

PETITION DISMISSED.

E. Rollins-Cross, Director
Technology Center 3700

Law Offices of Jonathan A. Barney, Esq.
312 Signal Road
Suite 200
Newport Beach, CA 92663

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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SEP 29 2006

OFFICE OF PETITIONS

In re Application of :
Lochtefeld :
Application No. 10/056,893 : ON PETITION
Filed: January 22, 2003 :
For.:SURF TOY ACTION FIGURE AND :
SIMULATED SURFING GAME

This is a decision on the petition filed December 29, 2004, which is being treated as a renewed petition under 37 CFR 1.181(no fee) to withdraw the holding of abandonment. The delay in treating this petition is sincerely regretted.

The petition to withdraw the holding of abandonment is **dismissed**. Any renewed petition must be filed within TWO MONTHS. See 37 CFR 1.181(f). Extensions of time under 37 CFR 1.136(a) or (b) are not available. Any renewed petition to withdraw the holding of abandonment must be clearly captioned as such, or as explained below as a petition to revive under 37 CFR 1.137.

This application became abandoned for failure to properly reply within the meaning of 37 CFR 1.116 and 35 U.S.C. § 133 to the final Office action of December 29, 2003, which set a shortened statutory period for reply of three months. While a reply and a timely request (within the meaning of 37 CFR 1.8) and fee for a 2 month extension of time were filed June 1, 2004, the reply did not prima facie place the application in condition for allowance; witness the lack of a Notice of Allowance. While an Advisory Action has not been mailed, as indicated in the Group Director's decision of November 1, 2004, the Supervisory Patent Examiner (SPE) has determined that the reply did not *prima facie* render this application allowable, and further raised new issues. Accordingly, this application became abandoned at midnight on May 29, 2004. A Notice of Abandonment was mailed August 2, 2004.

Petitioner requests that the holding of abandonment be withdrawn in that the amendment allegedly did *prima facie* place this case in condition for allowance. Petitioner notes while that in the final Office action, claims 1 through 15, and 19 were rejected, dependent claims 17 and 18 were indicated as allowable, and as the amendment submitted after final merely placed, in the the alternative, limitations of these 2 claims into claim 1, petitioner reasons that claim 1 and all claims dependent thereon were thereby rendered allowable.

It is agreed that including the limitations of dependent claims 17 and 18 (claims with indicated allowable subject matter) into claim 1 by using alternative language and limiting the control mechanism to either a weight or a magnet would not raise a new issue by itself. However, petitioner overlooks the effect of that amendment to claim 1 on dependent claim 19.

The Technology Center has determined the amendment raises at least one new issue in that the proffered amendment to claim 1 now sets forth a control mechanism comprising either a weight or a magnet while claim 19 sets forth that the control mechanism comprises a radio controlled transmitter and receiver/actuator. It is not clear to the Technology Center that the

originally filed specification provided adequate support for a control mechanism of a radio controlled transmitter *in combination with* either a weight or a magnet as set forth by claim 19.

Therefore, the Technology Center reasons, the presence of at least claim 19, as proposed to be dependent on amended claim 1 means that applicant's proposed amendment under 37 CFR 1.116 did not *prima facie* place the case in condition for allowance.

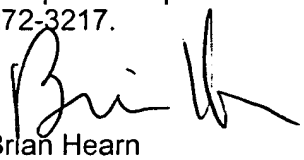
Accordingly, the Technology Center has set forth a reasonable basis for maintaining the holding of abandonment, notwithstanding the filing of the amendment of June 3, 2004.

Petitioner may wish, instead of further renewing the petition to withdraw the holding of abandonment, to now seek revival under 37 CFR 1.137. See MPEP 711.03(c), subsection II.

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

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Randolph Building 401 Dulany Street Alexandria, VA 22314:
By fax:	(571) 273-8300 ATTN: Office of Petitions

Telephone inquiries related to this decision only should be directed to the undersigned at (571) 272-3217.



Brian Hearn
Petitions Examiner
Office of Petitions

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IRVINE CA 92614

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MAR 21 2008
OFFICE OF PETITIONS

In re Application of :
Thomas J. Lochtefeld :
Application No. 10/056,893 : ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. LOCHT.116A :

This is a decision on the petition under 37 CFR 1.137(b), filed December 4, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit a proper response to the Final Office action mailed December 29, 2003, which set a shortened statutory period for reply of three (3) months. Accordingly, by operation of law, the above-identified application became abandoned on May 30, 2004, applicant having filed a two month extension of time with his amendment filed June 3, 2004.

The examiner of record indicates the amendment filed with this petition will put the application in condition for allowance.

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 that puts the case in condition for allowance; (2) the petition fee of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the amendment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

The application file is being referred to Technology Center Art Unit 3711 for consideration of the amendment filed December 4, 2006.

David Bucci
Petitions Examiner
Office of Petitions

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Paper No. 16

Parsons Hsue & De Runtz LLP
655 Montgomery Street
Suite 1800
San Francisco, CA 94111

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NOV 12 2003

OFFICE OF PETITIONS

In re Application of :
Wayne Renken :
Application No. 10/056,906 : DECISION GRANTING PETITION
Filed: January 24, 2002 : UNDER 37 CFR 1.137(b)
Attorney Docket No. SENS.005US0 :

This is a decision on the petition, filed July 28, 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 applications filed in an eighteen-month publication country on January 8, 2003 and January 16, 2003. 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 February 19, 2004 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 2856 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

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

MAR 27 2003

Paper No. 4

In re Application of CAMINO et al. :
Serial No. 10/056,909 : **DECISION ON PETITION**
Filed January 24, 2002 : **UNDER** *37 CFR 1.48(a)*
For: **SPACER ASSEMBLY FOR USE IN SPINAL SURGERIES HAVING END CAP WHICH INCLUDES SERRATED SURFACE END PORTION** :

This is a decision on the petition filed December 30, 2002 to correct the inventorship under 37 CFR 1.48.

The petition is granted

In view of the papers filed December 30, 2002 it has been found that this nonprovisional application, as filed, through error and without deceptive intent, improperly set forth the inventorship, and accordingly, this application has been corrected in compliance with 37 CFR 1.48(a). The inventorship of this application has been changed by the addition of the following inventors: **Helmar Rapp and Lutz Biedermann**.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

Kevin P. Shaver
Supervisory Patent Examiner
Art Unit 3732
Patent Examining Group 3700

Paul J. Maginot
Maginot, Moore & Bowman
Bank One Center/Tower
111 Monument Circle, Suite 3000
Indianapolis IN 46204-5115

UNITED STATES PATENT and TRADEMARK OFFICE
UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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JAN 28 2003

#4

WAK

In re Application of	:	
David Blankenbeckler et al.	:	
Serial Number: 10/056,927	:	DECISION
Filed: January 24, 2002	:	ON
For: USE OF MOTHER STAMPER FOR OPTICAL DISK MOLDING	:	PETITION

This is in response to the request filed December 24, 2002, requesting permission for withdrawal as attorney and change of correspondence address from the above-identified application.

A Petition To Withdraw and Change of Address was approved on November 13, 2002. The request directed that all future correspondence be directed to the owner of the patent application.

In this case the attorney making the request is no longer of record in this application.

The Request is **Denied**.

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

James E. Parsons
Law Offices of Skjerven Morrill, LLP.
25 Metro Drive
San Jose, CA 95110

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 8-30-05

TO SPE OF : ART UNIT 2824

SUBJECT : Request for Certificate of Correction on Patent No.: 6771553

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 spec.

E Young

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:

CHANGES DID NOT CHANGE THE SCOPE OF THE CLAIMS

OK - approved - Hien Nguyen 3/6/06

RICHARD ELMS
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

3/7/06
SPE

2824
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LUMEN INTELLECTUAL PROPERTY SERVICES, INC.
2345 YALE STREET 2ND FLOOR
PALO ALTO CA 94306

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AUG 24 2005

OFFICE OF PETITIONS

In re Application of :
Juan G. Santiago et al :
Application No. 10/056,944 : DECISION GRANTING PETITION
Filed: January 24, 2002 : UNDER 37 CFR 1.137(b)
Attorney Docket No. S00-009/US :

This is a decision on the petition under 37 CFR 1.137(b), filed June 30, 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 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 1753.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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CARLSON, GASKEY & OLDS, P.C.
400 WEST MAPLE ROAD
SUITE 350
BIRMINGHAM, MI 48009

Mail Date: 04/21/2010

Applicant	: David K. Platner	: DECISION ON REQUEST FOR
Patent Number	: 7568286	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/056,945	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 10/25/2001	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1715** 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

OFFICE

SERIAL NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/056947	01/25/02	FREDERICK, THOMAS J.	C4-580

IP[LEGAL DEPARTMENT
TYCO FIRE & SECURITY SERVICES
ONE TOWN CENTER ROAD
BOCA RATON FL 33486

EXAMINER	
LEE, BENJAMIN	
ART UNIT	PAPER NUMBER
2612	

DATE MAILED: 3/22/07

NOTICE OF RESCINDED ABANDONMENT

☐ **In response to your communication filed** 5/15/06

☒ **Through inadvertence, a Notice of Abandonment was mailed in the above-identified application. The Notice of Abandonment is hereby rescinded.**

For
Manager, Publications Division
Office of Patent Publication
571-272-4200

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MAIL

JAN 1 5 2004

Paper No. 11

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Marc A. Sockol
SQUIRE, SANDERS & DEMPSEY, L.L.P.
600 Hansen Way
Palo Alto, CA 94304-1043

In re Application of
Eric McKINLAY, et al
Application No. 10/056,956
Filed: January 25, 2002
For: SYSTEM, METHOD, AND COMPUTER PROGRAM PRODUCT FOR INITIATING A SOFTWARE DOWNLOAD

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed May 23, 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

cc: OKAMOTO & BENEDICTO, LLP
P.O. Box 641330
San Jose, CA 95164

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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Hogan & Hartson, LLP
One Tabor Center, Suite 1500
1200 17th Street
Denver, CO 80202

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JUL 17 2007

OFFICE OF PETITIONS

In re Application of:
Saied Kazemi, et al.
Application No.: 10/056,987
Filed: January 24, 2002
Atty's Docket No.: SUN060455CNT

DECISION ON PETITION UNDER
37 CFR 1.137(b)

This is a decision on the petition for revival of the above-entitled application under 37 CFR 1.137(b), filed October 27, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue and publication fee response in a timely manner in reply to the Notice Of Allowance mailed May 30, 2006, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned at midnight on August 30, 2006.

On October 27, 2006, applicant filed the petition for revival under 37 CFR 1.137(b) considered herein. The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the petition fee; (2) the required statement of unintentional delay; and (3) the required reply of the filing of the PTOL-85 form. Accordingly, the issue and publication fee payments are accepted as having been unintentionally delayed.

The application is being referred to the Office Of Publications.

Telephone inquiries concerning this decision should be directed to the undersigned.

Derek A. Putonen
Attorney Advisor
(571) 272-3294

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Perkins Coie LLP
Post Office Box 1208
Seattle, WA 98111-1208

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OFFICE OF PETITIONS

In re Application of :

Mark P. Ohan et al. :
Application No. 10/056,998 : DECISION ON PETITION
Filed: January 25, 2002 : TO WITHDRAW
Attorney Docket No. 270/275US : 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 January 5, 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 Michael J. Wise on behalf of all attorneys of record.

All attorneys/agents have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

The application became abandoned for failure to timely respond to the Office action mailed December 21, 2006.

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

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Mark P. Ohan**
8 Knollwood Drive
Ramsey, NJ 07446

cc: **Barbara V. Maurer, Patent Counsel**
Legal Management
University of Medicine & Dentistry of New Jersey
335 George Street, Suite 3200
New Brunswick, NJ 08901

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/056,998	01/25/2002	Mark P. Ohan	270/275US

CONFIRMATION NO. 3516

34055
PERKINS COIE LLP
POST OFFICE BOX 1208
SEATTLE, WA 98111-1208

OC000000024849074

Date Mailed: 07/17/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 01/05/2007.

- 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.

Jerri Williams

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

FORMER ATTORNEY/AGENT COPY

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AKIN GUMP STRAUSS HAUER & FELD L.L.P.
ONE COMMERCE SQUARE
2005 MARKET STREET, SUITE 2200
PHILADELPHIA, PA 19103

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MAR 0 7 2006

OFFICE OF PETITIONS

In re Patent No.	:	
6,734,074	:	
Application No. 10/057,009	:	DECISION GRANTING PETITION
Filing Date: January 24, 2002	:	
Issue Date: May 11, 2004	:	
Attorney Docket No. 681954-86US	:	

This is a decision on the petition under 37 CFR 1.182, filed December 15, 2004, requesting issuance of duplicate Letters of Patent for the above-identified patent.

The petition is **granted.**

The file record discloses that the instant application matured into U.S. Patent No. 6,734,074 on May 11, 2004. Petitioner contends, however, that the patent was never received by the assignee.

In view of the facts set forth in the petition, it is concluded that the assignee never received the patent. The Publishing Division 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 Krystal Paige at (571)273-9756.

A copy of this decision is being forwarded to the Publishing Division for issuance of a duplicate Letter of Patent. The patent file is being forwarded to the Files Repository.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc: Krystal Paige, P/OPPD/ST 8C32, (Fax 571-273-9756)

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Daniel P. Burke, Esq.
Daniel P. Burke & Associates, PLLC
240 Townsend Square
Oyster Bay, NY 11771

Mail Date: 04/21/2010

Applicant	: Theodore Turnasella	: DECISION ON REQUEST FOR
Patent Number	: 7620654	: RECALCULATION of PATENT
Issue Date	: 11/17/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/057,016	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/25/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **287** 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.

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LERNER GREENBERG STEMER LLP
P O BOX 2480
HOLLYWOOD FL 33022-2480

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JUN 2 1 2010

OFFICE OF PETITIONS

In re Application of	:	
Gerhard Kring	:	DECISION
Application No. 10/057,019	:	ON PETITION
Filed: January 25, 2002	:	
Attorney Docket No. 112740-515	:	

This is in response to petition to revive an unintentionally abandoned application under 37 CFR 1.137(b), filed April 19, 2010.

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

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." This is **not** a final agency decision within the meaning of 5 USC 704. No additional petition fee is due on renewed petition.

The above-identified application became abandoned for failure to timely file an Appeal Brief in response to the Notice of Panel Decision from Pre-Appeal Brief Review, mailed June 22, 2006, which set an extendable period for reply of one month. No Appeal Brief having been received, the application became abandoned on July 23, 2006. The Office mailed a Notice of Abandonment on November 8, 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).

The instant petition lacks requirements (1) and (3) above.

With regard to requirement (1) above, petitioner has not submitted an Appeal Brief, but rather, has submitted another Notice of Appeal.

With regard to requirement (3) above, as the instant application has been abandoned for an extended period of time, on renewed petition, petitioner must account for the delay in filing the petition to revive.

The Power of Attorney filed on June 15, 2010 has been entered.

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

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

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

Telephone inquiries concerning this decision may be directed to the undersigned at 571-272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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DICKINSON WRIGHT, PLLC
1875 Eye Street, NW
Suite 1200
Washington, DC 2006

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JUL 13 2010

OFFICE OF PETITIONS

In re Application of	:	
Gerhard Kring	:	
Application No. 10/057,019	:	DECISION ON PETITION
Filed: January 25, 2002	:	TO WITHDRAW
Attorney Docket No. 112740-515	:	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 May 27, 2010.

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

A review of the file record indicates that the power of attorney to Dickinson Wright, PLLC has been revoked by the assignee of the patent application on June 15, 2010. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to Terri Johnson at 571-272-2991.

Terri Johnson
Petitions Examiner
Office of Petitions

cc: **LERNER GREENBERG STEMER LLP**
P.O. BOX 2480
HOLLYWOOD, FL 33022-2480

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SHAW PITTMAN LLP
1650 TYSONS BLVD
MCLEAN,VA 22102

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OFFICE OF PETITIONS

In re Application of :
Chung-Chu Chen, et al. :
Application No. 10/057,026 :
Filed: January 14, 2002 :
Attorney Docket No. 64,600-090 :

ON PETITION

This is a decision in response to the petition under 37 CFR 1.137(b), filed February 17, 2005, to revive the above-identified application.

This application became abandoned for failure to timely respond, under 37 CFR 1.197, to a decision by the Board of Patent Appeals and Interferences mailed March 25, 2004. A Notice of Abandonment was mailed July 7, 2004.

The application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination) filed February 17, 2005.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

The application file is being forwarded to Technology Center AU 2853 for further processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment.

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

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JUL 12 2004

#10

FISH & RICHARDSON, PC
225 FRANKLINI STREET
BOSTON, MA 02110-5070

In re Application of	:
Kuang-Lieh Lu et al	:
Serial No.: 10/057,029	: PETITION DECISION
Filed: January 24, 2002	:
Attorney Docket No.: 08919-070001	:

This is in response to the petition under 37 CFR 1.181, filed March 25, 2004, requesting withdrawal of abandonment based on timely filing of a 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 June 3, 2003, setting a three month shortened statutory period for reply. Upon failure to receive a reply the application was held abandoned by Notice of Abandonment mailed March 18, 2004. Applicants state that a reply was submitted on July 24, 2003, and provide an Office date stamped postcard evidencing receipt thereof on July 28, 2003. In view of the evidence presented, the Notice of Abandonment is withdrawn and the application 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, 703-872-9306.

Bruce M. Kisliuk
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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BANNER & WITCOFF , LTD
ATTORNEYS FOR CLIENT NUMBER 007412
1100 13th STREET, N.W.
SUITE 1200
WASHINGTON DC 20005-4051

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DEC 1 0 2009

OFFICE OF PETITIONS

In re Patent No. 7,536,544	:	
Issued: May 19, 2009	:	
Application No. 10/057,066	:	ON PETITION
Filed: January 25, 2002	:	
Attorney Docket No. 007412.00214	:	

This is a decision on the petition filed October 9, 2009, 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**.

A Certificate of Correction was issued on November 10, 2009.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-7751. Inquiries regarding the certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Joan Olszewski
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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Dennis Lee Nelson
695 E Maplewood Loop
Oakharbor, WA 98277

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MAR 2 5 2005

OFFICE OF PETITIONS

In re Application of :
Dennis Lee Nelson :
Application No. 10/057,077 : ON PETITION
Filed: January 23, 2002 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 CFR 1.137(b), filed January 28 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) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks items (1) and (2).

A final Office action was mailed to applicant on October 28, 2003, which set a three (3) month shortened statutory period for reply. Since no reply was received and no extensions of time under the provisions of 37 CFR 1.136 were obtained, the application became abandoned on January 29, 2004.

Petitioner alleges that he has not received any notifications since October 28, 2003. It is reasonable to assume that petitioner did receive the Office action dated October 28, 2003, but a copy is attached, nevertheless, for petitioner's use.

To revive the application, petitioner must provide a reply to the outstanding Office action. Petitioner may submit one of the following as a reply: (1) an amendment that places the application in condition for allowance; (2) a Notice of Appeal and requisite fee; a Request for Continued Examination (RCE) accompanied by the submission required by 37 CFR 1.114 and the requisite fee, or; (4) a continuing application.

Additionally, petitioner has not provided the petition fee. The current fee for an unintentional petition is $750.

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. Petitioner has made a statement pertaining to the unintentional delay in the instant petition, but it isn't a proper statement in compliance with 37 CFR 1.137(b). In view thereof, a blank petition form is enclosed herewith for petitioner's use.

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 **(703) 872-9306.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223

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

Attachments: Copy of Final Office Action mailed October 28, 2003
Blank Unintentional Petition Form

UNITED STATES PATENT AND TRADEMARK OFFICE

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LERNER AND GREENBERG, P.A.
POST OFFICE BOX 2480
HOLLYWOOD FL 33022-2480

DEC 11 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Venugopal Srinivasan et al
Application No. 10/057,105
Filed: January 25, 2002
For: **OPTICAL TRANSMITTER AND METHOD FOR GENERATING A DIGITAL OPTICAL SIGNAL SEQUENCE**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed October 29, 2002, under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111(b) and (c), how the claimed subject matter is patentable over the references.

The petition meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. After mailing, the application will be forwarded to the examiner for immediate handling.

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

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)
6732886	2004-05-11	10057106	2001-10-25	70185-New(6185-233)

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

SMALL ENTITY

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

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Billy A. Robbins/	Date (YYYY-MM-DD)	2008-06-20
Name	Billy A. Robbins	Registration Number	18313

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6732886
Issue Date: May 11,2004
Application No. 10057106
Filed: October 25,2001
Attorney Docket No. LA-6185-233.US

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

This is a decision on the electronic petition, filed June 20,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of June 20,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

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

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WOLF GREENFIELD & SACKS, P.C.
FEDERAL RESERVE PLAZA
600 ATLANTIC AVENUE
BOSTON, MA 02210-2206

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MAY 12 2006
OFFICE OF PETITIONS

In re Application of :
Geert Plaetinck et al :
Application No. 10/057,108 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. D00590.70011.US

This is a decision on the petition filed, May 10, 2006 under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 10, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 1632 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Information Disclosure Statement

Irvin Dingle
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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Paper No. 4

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JUN 0 2 2003

Technology Center 2100

FISH & RICHARDSON P.C.
225 Franklin Street
Boston, MA 02110-2804

In re Application of: Kai Tuschner, et al.
Application No. 10/057,126
Filed: October 25, 2001
For: LINKED CODE GENERATION REPORTS

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed May 22, 2003.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1. 136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED**.

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

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

cc: Thomas V. Smurzynski, Esq.
Lahive & Cockfield LLP
28 State Street
Boston, MA 02109-1784

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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Paper No. 04

Norman R. Klivans
SKJERVEN MORRILL LLP
25 METRO DRIVE
SUITE 700
SAN JOSE CA 95110

JAN 17 2003

In re Application of:	:	
Toshihiro Nomura	:	
Application No. 10/057,134	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: January 24, 2002	:	
For: A COMPARATOR CIRCUIT FOR DIFFERENTIAL SWING COMPARISON AND COMMON-MODE VOLTAGE COMPARISON	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed December 23, 2002 and re-filed December 31, 2002.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period that can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above requirements. The request was signed by Norman R. Klivans, an attorney 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 James Hao, at the below-listed address until otherwise notified by applicant.

Inquiries related to this decision should be directed to Lissi Mojica Marquis at (703) 308-2260.

Lissi Mojica Marquis, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: James Hao
Wagner, Murabito & Hao LLP
Two N. Market Street
3rd Floor
San Jose, CA 95113

UNITED STATES PATENT AND TRADEMARK OFFICE

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ADVANCED BIONICS, LLC
MANN BIOMEDICAL PARK
25129 RYE CANYON LOOP
VALENCIA CA 91355

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OFFICE OF PETITIONS

In re Application of
Todd K. Whitehurst et al
Application No. 10/057,144
Filed: January 24, 2002
Attorney Docket No. 05-00923-02

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed June 4, 2008, 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 final rejection mailed April 19, 2004, is accepted as having been unintentionally delayed.

This application has been abandoned for an extended period of time. The U.S. 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 U.S. Patent and Trademark Office).

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 3763 for appropriate action by the Examiner in the normal course of business on the reply received June 4, 2008.

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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SEP 17 2003

Director's Office
Group 3700

Julia Christine Woodrow
6600 Warner Avenue # 16
Huntington Beach, CA 92647

Paper No. 11

In re Application of
WOODROW, JULIA C.
Application No.: 10/057,149
Filed: May 30, 2002

DECISION ON PETITION

This is a decision on petitioner's requests filed February 19, 2003 and July 23, 2003, requesting withdrawal of the holding of abandonment of the above-identified application because the applicant did not receive the Office communication mailed on August 8, 2002 at the correspondence address of record.

The petition is granted.

In support of the request, petitioner has provided a showing of non-receipt of the Office action in accordance with Official Gazette Notice 1156 O.G. 53 (November 16, 1993). MPEP 711.03(c)II.

In view of the above, the Notice of Abandonment mailed February 4, 2003 is in error and is hereby vacated. The holding of abandonment is withdrawn.

The Office communication will be remailed and the shortened statutory period that was originally set forth in the Office communication shall be restarted to run from the mail date of the newly supplied Office action or notice.

Summary: Holding of Abandonment Withdrawn.

Richard A. Bertsch, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ELAINE C. STRACKER
1001 EAST MEADOW CIRCLE
PALO ALTO, CA 94303

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MAY 0 6 2005

OFFICE OF PETITIONS

In re Application of :
Peter M. Lloyd et al :
Application No. 10/057,198 : ON PETITION
Filed: October 26, 2001 :
Attorney Docket No. 509032001600

This is a decision on the petition, filed May 5, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 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]

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 3731 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

cc:
Darla G. Yoerg
Swanson & Bratschun, L.L.C.
1745 Shea Center Drive, Suite 330
Highlands Ranch, CO 80129

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above. Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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M. REZA MOVAHED
55 SANTA TERESITA
IRVINE CA 92606

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MAR 2 9 2005

OFFICE OF PETITIONS

In re Application of :
Movahed :
Application No. 10/057,202 :
Filed: January 23, 2002 :
Attorney Docket No. Q055 :
For: METHOD AND APPARATUS TO REMOVE SUBSTANCES FROM VESSELS OF THE HEART AND OTHER PARTS OF THE BODY TO MINIMIZE OR AVOID RENAL OR OTHER HARM OR DYSFUNCTION

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 1, 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)." Petitioners are advised that this is not a final agency decision.

This application became abandoned for failure to timely reply to the non-final Office action, mailed July 2, 2004, which set an extendable three month period for reply. The application became abandoned on October 3, 2004. A Notice of Abandonment was mailed on February 7, 2005.

A grantable petition pursuant to 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. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

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

The instant petition does not satisfy requirement (1) above.

Petitioner has not submitted a reply to the July 2, 2004 non-final Office action. Either an amendment in response to the Office action or a continuing application would be a proper reply.

The statement of unintentional delay presented in the petition does not comply with the current rule. 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" be submitted. However, the statement presented will be accepted and construed as meaning that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 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.

The correspondence address has been changed, as petitioner requested in a rather oblique fashion. In the future, petitioner should submit a separate paper to effectuate a change in correspondence address. A change of correspondence address must be provided in a manner calling attention to the fact that a change of address is being made. MPEP 601.03. If the request is not conspicuous, and as a result, is not recognized and entered into Office records, then petitioner will be responsible for any delay that arises.

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

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

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

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

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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M. REZA MOVAHED
55 SANTA TERESITA
IRVINE CA 92606

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JUN 3 0 2005

OFFICE OF PETITIONS

In re Application of :
Movahed :
Application No. 10/057,202 :
Filed: January 23, 2002 :
Attorney Docket No. Q055 :
For: METHOD AND APPARATUS TO REMOVE SUBSTANCES FROM VESSELS OF THE HEART AND OTHER PARTS OF THE BODY TO MINIMIZE OR AVOID RENAL OR OTHER HARM OR DYSFUNCTION

DECISION
ON PETITION

This is a decision on the reconsideration petition under 37 CFR 1.137(b), filed May 27, 2005, to revive the above-identified application.

This application became abandoned for failure to timely reply to the non-final Office action, mailed July 2, 2004, which set an extendable three month period for reply. The application became abandoned on October 3, 2004. A Notice of Abandonment was mailed on February 7, 2005.

Applicant has submitted an amendment in reply to the July 2, 2004 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the July 2, 2004 non-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 3700's technical support staff for processing the amendment filed on May 27, 2005.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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MAR 23 2009

OFFICE OF PETITIONS

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

In re Application of :
Small, et al. :
Application No. 10/057,206 : DECISION ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. 063254-5002US :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 30, 2009, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned December 23, 2008 for failure to timely pay the issue and publication fees, as required by the Notice of Allowance and Fee(s) Due, mailed September 22, 2008. The Notice set a three month statutory period of time for reply. Notice of Abandonment was mailed January 15, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of payment of the issue fee and the publication fee, (2) the required petition fee; and (3) a proper statement of unintentional delay.

As to requirement (2), request for waiver of the petition fee, petitioners are advised that submission of the required petition fee is a prerequisite prior to treatment on the merits of any petition submitted pursuant to 37 CFR 1.137(b). Thus, the request for waiver of the fee cannot be granted. Further, failure to indicate the deposit account upon which the required fees could be drawn can be attributed to the attorney who submitted the Issue Fee Transmittal Form (PTOL-85b). As such, the applicants are bound by the mistakes caused by applicants' voluntarily chosen legal representatives. Link v. Wabash, 370 U.S. 626, 633-34 (1962).

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

This application is being referred to Office of Data Management for processing into a patent.

/ALESIA M. BROWN/
Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
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Paper No. 6

FOLEY & LARDNER
ONE MARITIME PLAZA, SIXTH FLOOR
SAN FRANCISCO, CA 94111

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JAN 2 1 2003

OFFICE OF PETITIONS

In re Application of
Adam Peter Dunn et al
Application No. 10/057,209
Filed: January 22, 2002
Attorney Docket No. 059284-0146

ON PETITION

This is in response to the petition under 37 CFR 1.47(a), filed September 25, 2002.

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. Applicant lacks items (1), set forth above.

As to item (1), rule 47 applicant must demonstrate with documented evidence that an inventor refuses to join in the application after having been presented with the application papers (specification, claims, drawings and oath or declaration). There is no indication in the present case whether joint inventor Scott Roberts Kalkman was ever presented with a copy of the complete application papers for the instant nonprovisional application. The fact that an application may contain proprietary information does not relieve the 37 CFR 1.47 applicant of the responsibility to present the application papers to the inventor if the inventor is willing to receive the papers. If joint inventor Kalkman was not presented with a copy of the application

papers for the instant nonprovisional application, then Mr. Kalkman could not attest that he has "reviewed and understands the application papers" and could not execute the declaration he was requested to sign. While the declaration of Jason E. Lavender states that the declaration was sent to Mr. Kalkman by E-mail on September 24, 2002, it is unclear whether Mr. Kalkman was presented with a copy of the complete application papers. Did inventor Kalkman receive a copy of the application papers? 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 to the nonsigning inventor for signature. Unless petitioner can show that a copy of the application papers was presented to inventor Kalkman or that the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, then petitioner will have to mail a copy of the complete application papers (specification, claims and drawings) to inventor Kalkman's last known address, return receipt requested. A cover letter of instructions should accompany the mailing of the application papers setting a deadline or a statement that no response will constitute a refusal. This sort of ultimatum lends support to a finding of refusal by conduct. **The proof of the pertinent events should be made by a statement of someone with firsthand knowledge of the events and should include documentary evidence, such as certified mail return receipt, cover letter of instructions, telegram, etc.** See MPEP 409.03(d).

The statements of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. If the inventor orally refuses to join in the application, that fact along with the time and place of the refusal must be stated in the affidavit or declaration. If, on the other hand, petitioner receives 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 rule 47 petitioner that an omitted 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 must be submitted.

Whenever an omitted inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the affidavit or declaration.

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: U.S. Patent and Trademark Office
P.O. Box 2327
Mailstop 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 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 PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GO

Paper No. 9

JAY P. HENDRICKSON
250-A BEL MARIN KEYS BLVD.
NOVATO, CA 94949

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JUL 0 3 2003

OFFICE OF PETITIONS

In re Application of
Adam Peter Dunn et al
Application No. 10/057,209
Filed: January 22, 2002
For: SUBMERSIBLE MARINE VEHICLE

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

This is in response to the petition filed June 20, 2003, requesting reconsideration of a decision mailed January 21, 2003, which refused to accord 37 CFR 1.47(a) status to the above-identified application.

The petition is granted.

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

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status. As provided in Rule 1.47(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.

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

This application is being forwarded to Initial Patent Examination Unit.

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 PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GO

SCOTT ROBERTS KALKMAN
P.O. BOX 1905
HEALDSBURG, CA 95448

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JUL 0 3 2003

OFFICE OF PETITIONS

In re Application of
Adam Peter Dunn; Scott Roberts Kalkman; Gary Starr; James R. Jeremias
Application No. 10/057,209
Filed: January 22, 2002
For: SUBMERSIBLE MARINE VEHICLE

Dear Mr. Kalkman:

You are named as a joint inventor in the above identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to the Irvin Dingle at (703) 306-5684. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington D.C. area).

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

cc:

Jay P. Hendrickson
250-A Bel Marin Keys Blvd.
Novato, CA 94949

UNITED STATES PATENT AND TRADEMARK OFFICE

Pet. Sec.

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL - 2 2004

In re Application of	:	
Nico N. Raczek	:	NOTICE OF WITHDRAWAL
Serial No. 10/057,212	:	FROM ISSUE
Filed: January 24, 2002	:	UNDER 37 CFR 1.313(b)
For: SORBIC ACID AS GROWTH-STABILIZING:		
ADDITION TO FEEDSTUFFS FOR AGRICUL-	:	
TURAL LIVESTOCK REARING	:	

The above-identified application is withdrawn from issue after payment of the issue fee due to reopening of prosecution. See 37 CFR 1.313 (b).

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 Milton Cano at (571) 272-1398.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Jacqueline Stone, Director
Technology Center 1700
Chemical and Materials Engineering

PROPAT, L.L.C.
2912 Crosby Road
Charlotte, NC 28211-2815

cc: Allowed Files—Pk3-915

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Edward R. Hyde, Jr.
30 Putnam Park Road
Redding, CT 06896

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JAN 09 2009

OFFICE OF PETITIONS

In re Patent No. 6,783,548 :
Issue Date: August 31, 2004 :
Application No. 10/057, 237 : ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. 01115-006US :

This is a decision on the petition under 37 CFR 1.378(c), filed November 21, 2008, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on midnight November 5, 2006, for failure to pay the 3 ½ year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

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

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORGAN, LEWIS & BOCKIUS LLP (SF)
ONE MARKET, SPEAR STREET TOWER
SUITE 2800
SAN FRANCISCO, CA 94105

MAILED

JUL 06 2009

OFFICE OF PETITIONS

In re Application of :
HYDE JR., Edward R. :
Application No. 10/057,237 : DECISION ON PETITION
Filed: January 24, 2002 : TO WITHDRAW
Attorney Docket No. **061115-0006US** : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent under 37 C.F.R. § 1.36(b) or 37 C.F.R. § 10.40 filed June 24, 2008.

The request is **NOT APPROVED**.

A review of the file record indicates that Customer No. #43850 does not have power of attorney in this patent application nor is there any statement or evidence of record of employment in or otherwise being engaged in the proceedings in this patent application. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is not applicable.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/08/08

TO SPE OF : ART UNIT 3700

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/057,273 Patent No.: 6,916,180

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

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Please review the paper file on 06/20/08 and the other papers file on 02/25/04 REM 182 pages Appendix

Delora Dillard
Certificates of Correction Branch
703-308-9250 ext. 172

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: CoC Filed on 2/28/06 - Approved
CoC Filed on 7/8/08 - Denied - No Proper Appendix included
CoC Filed on 9/3/08 - Approved
CoC Filed on 9/9/09 - Approved with the request.

_____ 3715
SPE **Art Unit**

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ALEXANDRIA, VA 22313-1450
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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

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MAY 17 2005

OFFICE OF PETITIONS

In re Application of :
Hiroyuki Matsuo, et al. :
Application No. 10/057,279 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. 5077-000081 :

This is a decision on the petition, filed May 4, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 24, 2004, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

Telephone inquiries relating to this decision should be directed to the undersigned at (571) 272-3204.

The application is being referred to Technology Center AU 2861 for further processing of the request for continued examination under 37 CFR 1.114.

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

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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Paper No. 7

COOLEY GODWARD, LLP
3000 EL CAMINO REAL
5 PALO ALTO SQUARE
PALO ALTO, CA 94306

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SEP 18 2002

OFFICE OF PETITIONS

In re Application of :
Worley, et al. :
Application No. 10/057,296 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. OUTT-013/01US :

This is a decision on the petition under 37 CFR 1.137(b), filed September 5, 2002, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed March 1, 2002. 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 2, 2002.

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
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV - 9 2004

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of:
Black et al.
Serial No.: 10/057,321
Filed: September 24, 2001
Attorney Docket No.: 016761/0170

DECISION ON PETITION TO INVOKE THE SUPERVISORY AUTHORITY OF THE COMMISSIONER

This is in response to applicants' petition under 37 CFR § 1.181 filed on October 1, 2004, requesting that the amendment to the specification which incorporates prior applications by reference be entered.

A review of the file history shows that the examiner in her Office action of July 1, 2004 objected to the amendment of the specification because is introduces new matter into the disclosure.

However, MPEP § 1.181 (c) requires that there be a proper request for reconsideration and a repeated action by the examiner. There has been neither a request for reconsideration by applicants nor a repeated objection by the examiner.

Therefore, applicants' petition is **DISMISSED** as premature.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Bruce Kisliuk
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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EXXONMOBIL CHEMICAL COMPANY
5200 BAYWAY DRIVE
P.O. BOX 2149
BAYTOWN, TX 77522-2149

Mail Date: 04/21/2010

Applicant	: Sandeep S. Dhingra	: DECISION ON REQUEST FOR
Patent Number	: 6524551	: RECALCULATION of PATENT
Issue Date	: 02/25/2003	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/057,322	: OF WYETH
Filed	: 01/25/2002	:
		:

The Patentee's Request for Recalculation is **DISMISSED.**

This Request is deemed ineligible for consideration for one or more of the following reasons:

(A). The patent for which PTA recalculation is requested is either a design or reissue application or is a reexamination proceeding;

(B). The patent for which PTA recalculation is requested resulted from a utility or plant application filed under 35 USC 111(a) before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(C). The patent for which PTA recalculation is requested resulted from an international application in which the international filing date was before May 29, 2000 and no CPA filed in the application on/after May 29, 2000;

(D). The patent for which PTA recalculation is requested issued on/after March 2, 2010;

(E). The Request for Recalculation was filed more than 180 days after the grant date of the patent and the request was not filed within two months of a dismissal of a request for reconsideration of the of the patent term under 37 CFR 1.705(d);

(F). The Request for Recalculation is not solely limited to USPTO pre-Wyeth interpretation of 35 U.S.C. 154(b)(2)(A);

or

(G). A civil action was filed pursuant to 35 U.S.C. 154(b)(4)(A)concerning the same patent at issue in this request.

Patentee may file a reply to this decision dismissing the Request for Recalculation. Patentee must file such reply within one month or thirty days, whichever is longer, of the mail date of the decision dismissing the Request for Recalculation. No fee is required if patentee is asserting in the reply that the dismissal for ineligibility is improper.

Patentee should use document code PET.OP if electronically filing a reply to this dismissal. If the USPTO finds that the request was improperly deemed ineligible, the USPTO will mail applicant a recalculation determination.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A). Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154 (b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

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COMMISSIONER FOR PATENTS
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Paper No. 3

FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

MAILED

MAR 3 1 2004

Technology Center 2100

In re Application of:
Farzin MAGHOUL, et al.
Application No. 10/057,331
Filed: January 24, 2002
For: METHOD FOR RANKING WEB PAGE SEARCH RESULTS

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed March 15, 2004.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED.**

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

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

cc: Seth Ostrow
BROWN RAYSMAN MILLSTEIN FELDER AND STEINER LLP
900 Third Avenue
New York, NY 10022-4728

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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July 21, 2004

Paul S. Evans
Specialized Health Products, Inc.
585 West 500 South
Bountiful, UT 84010

In re application of:
Yardley, et al DECISION ON PETITION
Serial No.: 10/057,336
Filed: January 23, 2002
For: INTERNET TRAINING COURSE SYSTEM AND METHOD

This is a decision on the petition received June 7, 2002, to withdraw the holding of abandonment in the above-identified application.

The petition is Granted.

The above-identified application became abandoned for failure to reply within the meaning of 37 C.F.R. 1.113 in timely manner to the Notice to File Missing Parts of Nonprovisional Application mailed February 28, 2002. Which set a shortened statutory period for reply of two (2) months. Accordingly, this application became abandoned April 30, 2002.

On June 7, 2002, the office received a communication from the attorney of record. Enclosed was an acknowledgement that the attorney never received the Notice to File Missing Parts mailed February 28, 2002.

The evidence submitted is sufficient to establish that the petitioners never received the Notice to File Missing Parts.

A review was made on application 60/265,962, in search of the conversion document. These documents have not been associated with the application.

The documents received in the Patent and Trademark Office on June 7, 2002, will be used to complete the above application.

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

Doshie E. Day
Program Management Assistant
Office Initial Patent Examination

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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DIW 06-02

Paper No. 4

SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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JUN 1 4 2002

OFFICE OF PETITIONS

In re Application of :
Kosoglou et al. :
Application No. 10/057,339 : ON PETITION
Filed: 25 January, 2002 :
Attorney's Docket No. CV01490K :

This is a decision on the petition filed on 10 April, 2002, requesting that the above-identified application be accorded a filing date of 25 January, 2002, with Page 74 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 25 January, 2002. However, on 19 March, 2002, Initial Patent Examination Division mailed a "Notice" stating that the application had been accorded a filing date but that Page 74 of the specification (description and claims) appeared to have been omitted.

In response, on 10 April, 2002, Page 74 of the specification, and the present petition were filed. Petitioners argue that Page 74 was filed with the other application papers on 25 January, 2002, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 25 January, 2002, and the above-identified application number, and identifies the application by the first named's inventor's name, invention title, and attorney docket number, and acknowledges receipt of, *inter alia*, 78 pages of specification, 26 pages of claims, 1 page(s) of abstract. Petitioners request that the application, including Page 74 of the specification, be accorded a filing date of 25 January, 2002.

A review of the record reveals that no Page 74 of the specification has been located among the application papers deposited on 25 January, 2002. However, the evidence is convincing that the application papers deposited on 25 January, 2002, included Page 74 of the specification, which was subsequently misplaced in the Office. Therefore, the application, including Page 74 of the specification, is entitled to a filing date of 25 January, 2002.

The "Notice" mailed on 19 March, 2002, is vacated.

In view of the above, the petition is granted. The petition fee of $130.00 will be refunded to counsel's deposit account, No. 19-0365.

The application will be processed and examined using the copy of Page 74 supplied on 10 April, 2002.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 25 January, 2002, using the application papers filed on 25 January, 2002, and the copy of Page 74 supplied on 10 April, 2002.

Telephone inquires should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.

D Wood

Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Beverly M. Flanagan

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

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PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

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OFFICE OF PETITIONS

In re Application of :
Hien Vu Nguyen :
Application No. 10/057,352 : DECISION ON PETITION
Filed: January 24, 2002 :
Attorney Docket No.:PPC-823 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 31, 2006, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a reply to an Restriction Requirement mailed January 5, 2005. The Office Action set a one (1) 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 February 6, 2005. A Notice of Abandonment was mailed on August 8, 2005.

This petition is hereby **GRANTED**.

The Office hereby acknowledges the receipt of the Response to the Restriction and Election Requirement submitted with the instant petition.

This application is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Petitions Attorney

Office of Petitions

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Alexandria, VA 22313-1450
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ROBERTS ABOKHAIR & MARDULA
SUITE 1000
11800 SUNRISE VALLEY DRIVE
RESTON,VA 20191

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SEP 15 2004

OFFICE OF PETITIONS

In re Application of :
Brian Whitty :
Application No. 10/057,356 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. 2774-001 :

This is a decision on the petition under 37 CFR 1.137(a), filed August 12, 2004, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the non-final Office action mailed January 6, 2004. The non-final Office action set a shortened statutory period for reply of three months from its mailing date. No response was believed to have been received within the allowed period, and the application became abandoned on April 6, 2004.

Petitioner has demonstrated that an amendment was filed via facsimile on April 6, 2004.

The application file will be forwarded to Technology Center 3600 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 3

LSI Logic Corporation
1551 McCarthy Blvd.
M/S: D-106 Patent Department
Milpitas CA 95035

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OFFICE OF PETITIONS

In re Application of
Delaney
Application No.: 10/057,359
Filed: October 22, 2001
Attorney Docket No. 01-021
For: CYCLIC REDUNDANCY CHECKING FOR MANAGING THE COHERENCY OF MIRRORED STORAGE VOLUMES

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10(c)," filed July 8, 2002 (certificate of mailing date July 2, 2002), requesting that the above-identified application be accorded a filing date of October 22, 2001, instead of the presently accorded date of October 23, 2001.

Petitioner alleges that the application was deposited in "Express Mail" service with the U. S. Postal Service, on October 22, 2001. In support, petitioners provided a copy of the Express Mail label, receipt no. EV013245364US, showing a Date-In of October 22, 2001. The same Express Mail receipt number was referred to in the Application Transmittal Letter submitted with the original filing. Petitioner requests that the application be accorded a filing date of October 22, 2001.

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. In view of the above, the evidence is convincing that the application was deposited as "Express Mail" with the US Postal Service on October 22, 2001.

In view of the above, the petition is **GRANTED**. As this is a feeless petition, no petition fee has been or will be charged.

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs slightly 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 will be returned to the Office of Initial Patent Examination for further processing with a filing date of **October 22, 2001.** Afterwards, the application will be forwarded to

Technology Center 2100 for examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (703)308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: LSI Logic Corporation
1551 McCarthy Blvd.
M/S: AD-106 Patent Department
Milpitas CA 95035

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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THE CIVIC OPERA BUILDING
20 NORTH WACKER DRIVE
SUITE 1447
CHICAGO, IL 60606

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AUG 2 3 2004

OFFICE OF PETITIONS

In re Application of :
Toshinori Iwata et al :
Application No. 10/057,366 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. 0154/01099 :

This is a decision on the petition under 37 CFR 1.137(b), filed August 6, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue/publication fee in a timely manner in reply to the Notice of Allowance mailed March 3, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on June 4, 2004.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

This matter is being referred to the Publishing Division.

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

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Paper No. 8

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OFFICE OF PETITIONS

ORSCHELN MANAGEMENT CO
2000 US HWY 63 SOUTH
MOBERLY MO 65270

In re Application of
Porter et al.
Application No. 10/057,400
Filed: January 24, 2002
Attorney Docket No. OPD002CP-1

DECISION DISMISSING PETITIONS

This is a decision on the communication captioned "Response to Notice of Missing Parts of Application - Filing Date Granted," filed March 18, 2002, which will be treated as (1) a petition under 37 CFR 1.53, requesting that the above-identified application be accorded a filing date of January 24, 2002, with Figures 9A through 9C, as part of the original disclosure; and, (2) a petition under 37 CFR 1.183, seeking a waiver of 37 CFR 1.84, requiring submission of substitute drawings.

Petition Under 37 CFR 1.53:

On January 24, 2002, applicants filed the above-identified application. However, on February 20, 2002, the Office of Initial Patent Examination mailed a Notice of Missing Parts of Nonprovisional Application, stating that the oath or declaration was unsigned and that Figures 9A through 9C described in the specification appeared to have been omitted from the application. The Notice of Missing Parts indicated that applicants must submit a surcharge for late filing of an oath/declaration and substitute drawings in compliance with 37 CFR 1.84 to avoid abandonment. The Notice of Missing Parts set a shortened statutory period of two (2) months for reply. Extensions of time to respond were permissible under 37 CFR 1.136(a).

In response, on March 18, 2002, applicants filed the present petition, an executed declaration with the surcharge, a petition to make drawing corrections, and one (1) sheet of drawings relabeling Figure 9 as Figures 9A through 9C. Applicants explained that Figures 9A through 9C were not omitted on January 24, 2002, but were labeled only as Figure 9 (i.e. references to Figure 9A, 9B and 9C were omitted). A review of the record reveals that the Office received drawing sheet labeled "Figure 9" with the original application papers.

It is obvious from the petition that no drawing was actually missing on January 24, 2002. Rather, the drawings of Figures 9A through 9C was simply unlabeled as a result of applicants' filing error. However, the Notice of Missing Parts mailed February 20, 2002, was correct in stating that Figures 9A through 9C described in the specification appeared to have been omitted. Therefore, the requirement for the submission of omitted Figures 9A through 9C set forth in the Notice of Missing Parts was proper and will not be withdrawn.

Accordingly, the petition under 37 CFR 1.53 is dismissed.

Petition Under 37 CFR 1.183:

In the present petition, applicants "traverse the instant application being characterized as informal." *Petition dated 3/18/02 p. 1.* "In response to the margins of the drawings, Applicants respectfully request that the requirement for formal drawings be held in abeyance until a Notice of Allowance is mailed." *Id.*

Pursuant to 37 CFR 1.84, an applicant is required to submit acceptable drawings that are correct and reproducible. Further, Section 507 of the Manual of Patent Examination Policy explains:

> The Office has revised the drawing review process to implement the eighteen-month publication of patent applications. Under the revised drawing review process, the Office of Initial Patent Examination (OIPE) will perform an initial review of drawings in new utility and plant patent applications filed on or after November 29, 2000 to see if the drawings can be effectively scanned for publication purposes. . . .
>
> OIPE inspects the drawings to see if they can be effectively scanned and adequately reproduced. If the drawings are not acceptable, OIPE will object to the drawings and notify applicant that a timely submission of acceptable drawings (e.g., drawings which can be scanned) is required. This initial review process in OIPE is necessary in order to ensure that applications can be timely published.
>
> * * *
>
> If OIPE objects to the drawings and sends applicant a Notice requiring submission of corrected drawings within a set time period (usually two months), corrected drawings must be filed, in paper, to the mailing address set forth in the Notice, along with any other items required by OIPE, to avoid abandonment of the application. . . .

In the present petition, applicants have failed to demonstrate that an extraordinary situation exists, where justice requires wavier of the requirement for substitute drawings in compliance with 37 CFR 1.84, within the time period set for in the Notice of Missing Parts. Thus, the requirement for corrected drawings will not be held in abeyance.

Accordingly, the petition under 37 CFR 1.183 is dismissed.

The fees for filing two (2) petitions, totaling $260.00, will be charged to Deposit Account No. 15-0680 because the petitions were not necessitated by any error on the part of the United States Patent and Trademark Office.

Applicants must submit substitute drawings in compliance with 37 CFR 1.84 within TWO (2) MONTHS of the date of this decision in order to avoid abandonment of the application. The period for response is not extendable. See 37 CFR 1.181(f)

The application is being returned to the Office of Initial Patent Examination for further processing and to await the submission of substitute drawings in compliance with this decision and the requirements of 37 CFR 1.84.

Any inquiries related to this decision should be directed to Petitions Attorney Christina Tartera Donnell at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
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

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Paper No. 13

ORSCHELN MANAGEMENT CO
2000 US HWY 63 SOUTH
MOBERLY MO 65270

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SEP 1 0 2002

OFFICE OF PETITIONS

In re Application of :
Porter et al. :
Application No. 10/057,400 : DECISION GRANTING PETITION
Filed: 24 January, 2002 :
Attorney Docket No. OPD002CP-1 :

This is a decision on the petition submitted by facsimile on 27 August, 2002, requesting that the above-identified application be accorded a filing date of 24 January, 2002, instead of the presently accorded filing date of 5 June, 2002.

As previously stated in the Notice of File Missing Parts of Nonprovisional Application - Filing Date Granted (Notice) mailed on 20 February, 2002, the above-identified application has been accorded a filing date of 24 January, 2002. The record supports applicants' assertion that the United States Patent and Trademark Office erroneously changed the application filing date to 5 June, 2002, the date of applicants' response to the Notice. The Office apologizes for the error and regrets any inconvenience to applicants.

The petition is granted.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to 24 January, 2002, and the mailing 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
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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KING AND SPALDING LLP
1700 PENNSYLVANIA AVE, NW
SUITE 200
WASHINGTON DC 20006

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OFFICE OF PETITIONS

In re Application of :
LING, Marvin T. :
Application No. 10/057,420 : DECISION ON PETITION
Filed: January 25, 2002 : TO WITHDRAW
Attorney Docket No. **PBC0001-CIP3** : 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 13, 2009.

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

A review of the file record indicates that the power of attorney to Patent Law Professionals has been revoked by the assignee of the patent application on April 14, 2009. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **NOVAK DRUCE + QUIGG LLP**
1300 EYE STREET NW
SUITE 1000 WEST TOWER
WASHINGTON, DC 20005

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MCDERMOTT WILL & EMERY LLP
2049 CENTURY PARK EAST
38TH FLOOR
LOS ANGELES, CA 90067-3208

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JAN 14 2010

In re Application of	:	
Stoyanov et al.	:	DECISION ON PETITION
Application No. 10/057,435	:	TO WITHDRAW
Filed: January 25, 2002	:	FROM RECORD
Attorney Docket No. 064754-0011	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on November 17, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein cannot be approved at this time.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are currently no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

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38TH FLOOR
LOS ANGELES, CA 90067-3208

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JAN 14 2010

In re Application of	:	
Stoyanov et al.	:	DECISION ON PETITION
Application No. 10/057,436	:	TO WITHDRAW
Filed: January 25, 2002	:	FROM RECORD
Attorney Docket No. 064754-0012	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed on November 17, 2009.

The request is **NOT APPROVED**.

The Request for Withdrawal as Attorney or Agent and Change of Correspondence Address submitted herein cannot be approved at this time.

The Office will only accept correspondence address changes to the most current address information provided for the assignee of the entire interest *who properly became of record under 37 CFR 3.71,* or, if no assignee of the entire interest has properly been made of record, the most current address information provided for the first named inventor. 37 CFR 3.71(c) states:

> *An assignee becomes of record either in a national patent application or a reexamination proceeding by filing a statement in compliance with § 3.73(b) that is signed by a party who is authorized to act on behalf of the assignee.*

All future communications from the Office will be directed to above-listed address until otherwise properly notified by the applicant or a proper change of correspondence address have been submitted.

There are currently no outstanding Office actions that require a reply from the applicant.

Telephone inquires concerning this decision should be directed to the undersigned at (571) 272-6059. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

Alicia Kelley
Petitions Examiner
Office of Petitions

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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

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OFFICE OF PETITIONS

In re Application of
Fernandez-Corbaton, et al.
Application No. 10/057,441
Filed: January 25, 2002
Docket No.: 010379

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed May 15, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned December 15, 2005 for failure to timely reply to the non-final Office action mailed September 14, 2005. The non-final Office action set a three (3) month shortened statutory period of time for reply. No extensions of time in accordance with 37 C.F.R. § 1.136 were timely requested. This decision precedes Notice of Abandonment.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the non-final Office action is accepted as having been unintentionally delayed.

This application is being forwarded to Technology Center 2100 for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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AUG 18 2004

Fulwider Patton Lee & Utecht, LLP
Howard Hughes Center
6060 Center Drive
Tenth Floor
Los Angeles, CA 90045

Paper No. 8

In re Application of	:	DECISION ON PETITION
Arkady Kokish	:	TO WITHDRAW
Serial No. : 10/057,443	:	HOLDING OF
Filed : January 25, 2002	:	ABANDONMENT
For : Balloon With the Variable Radial Force Distribution	:	

This is a decision on a request filed April 22, 2004, to review the holding of abandonment mailed March 8, 2004, for failure to respond to the Office action mailed August 14, 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 September 2, 2003 as evidence of the timely filing of a response.

In view of the above, the Notice of Abandonment mailed March 8, 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 September 2, 2003.

Summary: Holding of Abandonment Withdrawn.

John E. Kittle, Director
Groups 3730 and 3760
Phone: (703) 308-0873

ak/08/16/04

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422 W. RIVERSIDE AVE, SUITE 424
SPOKANE, WA 99201

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MAR 3 0 2010

OFFICE OF PETITIONS

In re Patent No. 7,089,214 :
Issue Date: August 8, 2006 :
Application No. 10/057,465 : NOTICE
Filed: January 25, 2002 :
Attorney Docket No. OTOM0027

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.

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.

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: William B. Patterson
Patterson & Sheridan, LLP
3040 Post Oak Blvd., Suite 1500
Houston, TX 77056

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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MAY 15 2006

OFFICE OF PETITIONS

In re Application of
Alexander Gaiger et al
Application No. 10/057,475
Filed: January 22, 2002
Attorney Docket No. 014058-014402US

DECISION ON PETITION
TO WITHDRAW
FROM RECORD

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed December 12, 2005.

The petition is **NOT APPROVED.**

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulations states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one of the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "Discontinuation of attorney/client relationship," do not clearly meet any of the conditions set forth in 37 CFR 10.40.

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

This matter is being referred to Technology Center AU 1642 for the mailing of the Final Rejection.

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

Denise Pothier
Petitions Examiner
Office of Petitions

cc:

CORIXA CORPORATION
SUITE 200
1124 COLUMBIA STREET
SEATTLE, WASHINGTON 98104

JEFF HUNDLEY, PH.D.,
SEED IP LAW GROUP
701 FIFTH AVENUE
SUITE 6300
SEATTLE WA 98104

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 6

ADAN AYALA, ESQ.
BLACK & DECKER INC.
701 E. JOPPA ROAD, TW-199
TOWSON MD 21286

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JUL 1 7 2002

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Craig A. Schell et al :
Application No. 10/057,476 :
Filed: January 24, 2002 :
Attorney Docket No. P-TN-2547 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed July 1, 2002, to accept an unintentionally delayed claim under 35 U.S.C.§ 119(e) for the benefit of prior-filed provisional Application No. 60/266,893, filed February 7, 2001.

The petition is **DISMISSED AS MOOT**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000.

An amendment to the first sentence of the specification following the title to include a reference to prior-filed provisional Application No. 60/266,893, filed February 7, 2001, was included with the instant petition under 37 CFR 1.78(a)(6)..

The instant pending nonprovisional application was filed on January 24, 2002, within twelve months of the filing date of prior-filed provisional Application No. 60/266,893, which was filed on February 7, 2001, and for which priority is claimed. While a reference to the prior-filed provisional application was not included in an ADS or in the first sentence of the specification following the title, reference nevertheless was made in the Combined Declaration and Power of Attorney for Patent Application.

The current procedure where a claim for priority under 37 CFR 1.78(a)(5) is not included 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 has 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)(5). However, on the other hand, if the USPTO does not note the claim for priority to the provisional application 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)(6).[1] In the instant case, the Office noted the claim for priority of provisional Application No. 60/266,893 in the Declaration, as shown by its inclusion on the filing receipt.

In view of the above, the $1,280 fee assessed to the instant petition is unnecessary and will be credited to petitioner's deposit account in due course.

Any questions concerning this decision on petition may be directed to the undersigned at (703)305-8680. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center AU 3721 for processing the amendment filed July 1, 2002 and for consideration by the examiner of the claim under 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5) for the benefit of provisional Application No. 60/266,893, filed on February 7, 2001.

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

[1] Note 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

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BRADFORD GREEN BUILDING FIVE
755 MAIN STREET
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JUN 2 0 2005

OFFICE OF PETITIONS

In re Application of :
Francis J. Maguire :
Application No. 10/057,489 : ON PETITION
Filed: January 23, 2002 :
Attorney Docket No. 313-12-1 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 11, 2005, to revive the above-identified application.

In response to the Notice of Allowance mailed September 29, 2004, petitioner hereby submits $750 for the petition to revive fee, $700 for payment of the issue fee, four (4) sheets of formal drawings, and the statement of unintentional delay as required by 37 CFR 1.137(b).

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

The application file is being referred to the Office of Publications for further processing into a patent.

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

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

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Commissioner for Patents
United States Patent and Trademark Office
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MAR 17 2005

Lisa A. Haile, J.D., Ph.D.
GRAY CARY WARE & FREIDENRICH LLP
Suite 1100
4365 Executive Drive
San Diego CA 92121-2133

In re Application of:
Tsien et al.
Serial No.: 10/057,505
Filed: January 25, 2002
Attorney Docket No.: REGEN1260-3

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in response to applicants' petition under 37 CFR § 1.181(a) filed on February 22, 2005, requesting withdrawal of the holding of abandonment based on the timely filing of a response to the Office action mailed June 2, 2004.

A review of the file history shows that the examiner mailed an Office action to applicants on June 2, 2004, setting a three-month statutory time period for reply. On January 11, 2005, the examiner mailed a notice of abandonment for failure to respond to the outstanding Office action.

Applicants state that a response to the Office action was timely filed on September 2, 2004, as shown by the Certificate of Mailing executed under 37 CFR §1.8 on September 2, 2004. Applicants also submit a copy of the transmittal sheet identifying the papers filed and showing a USPTO date-stamped receipt of September 9, 2004. In view of this evidence, applicants are considered to have submitted a timely reply.

Applicants' petition is **GRANTED**. This application is restored to pending status with the mailing of this decision and will be forwarded to the examiner for consideration of the amendment.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Marianne C. Seidel for

Bruce Kisliuk
Director, Technology Center 1600

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Paula D. Morris
Paula D. Morris & Associates, P.C.
Suite 930
2925 Briar Park Dr.
Houston TX 77042-3728

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JUN 14 2004

OFFICE OF PETITIONS

In re Application of
Wellinghoff et al.
Application No. 10/057,506
Filed: January 23, 2002
For: NOVEL METHODS AND BLENDS FOR CONTROLLING RHEOLOGY AND TRANSITION TEMPERATURE OF LIQUID CRYSTALS
Attorney Docket No: SwRI-2835-03
Pub. No.: US 2003/0036609 A1
Pub. Date: February 20, 2003

This is a response to the request for corrected patent application publication under 37 CFR 1.221(b), filed on March 26, 2004, because the patent application publication is missing the assignee information on the front page of the publication.

The request is DISMISSED at applicants request in response to a phone call on May 14, 2004.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." **A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.**[1]

Inquires concerning this communication should be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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Paper No. 12

HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

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OCT 2 9 2003

OFFICE OF PETITIONS

In re Application of
White et al.
Application No. 10/057,523
Filed: January 22, 2002
Attorney Docket No. M-7199-4D

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed September 30, 2003, to revive the above-identified application.

The petition is **granted.**

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed September 17, 2002. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on December 18, 2002. A Notice of Abandonment was mailed on May 16, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The Terminal Disclaimer filed on September 30, 2003 is not required since the application was not filed prior to June 8, 1995. Therefore, the Terminal Disclaimer has not been accepted and will not be entered, but will be placed in the application file. The fee for filing the Terminal Disclaimer will be credited to Deposit Account 50-2264 as authorized.

The file is now being forwarded to Technology Center 2600 for further examination on the merits.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.

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

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Paper No. 16

ARTZ & ARTZ, P.C.
28333 TELEGRAPH ROAD, STE. 250
SOUTHFIELD, MI 48304

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SEP 2 1 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Paul L. Lagraff, et al. :
Application No. 10/057,530 :
Filed: January 26, 2002 :
Attorney Docket No. LAG 0104 PUS :

This is a decision on the petition under 37 CFR 1.137(b), filed July 12, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely reply to a final Office action mailed June 20, 2003. A Notice of Abandonment was mailed May 27, 2004.

Extensions of time under 37 CFR 1.136 are available only if asked for "prior to or with the response." In no case, however, may an applicant respond later than the maximum time period set by statute. Accordingly, if the question of abandonment arises when the provisions of 37 CFR 1.136 can no longer be used, then the application is abandoned when the unextended time for response has expired. Therefore, no extension of time fees are due on a petition for revival. In view thereof, the $475 extension of time fee submitted with the petition is unnecessary and will be refunded to petitioner's deposit account.

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

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

The application file is being forwarded to Technology Center AU 2856, for further processing of the request for continued examination under 37 CFR 1.114 filed July 12, 2004.

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

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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON, DC 20001-4413

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SEP 15 2005

OFFICE OF PETITIONS

In re Patent No. 6,872,211 :
Issued: March 29, 2005 :
Application No. 10/057,535 : DECISION REGARDING PTA
Filed: January 24, 2002 :
Atty. Dkt. No.: BSC-159C1 :

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(d)," filed May 26, 2005.

The request for reconsideration of patent term adjustment under 37 CFR 1.705(d) is **DISMISSED**.

The above-identified application matured into U.S. Patent No. 6,872,211 on March 29, 2005. The instant request for reconsideration was timely filed May 26, 2005. Patentees argue that the above-identified patent was improperly accorded a Patent Term Adjustment (PTA) of 85 days when instead the patent was entitled to an adjustment of 167 days. Patentees further argue that the 82 day reduction in connection with the submission of a miscellaneous letter on January 7, 2005 was not a failure to engage in reasonable efforts to conclude prosecution or processing within the meaning of 37 CFR 1.704.

A review of the application history reveals that an adjustment of 196 days was accorded in accordance with 37 CFR 1.702(a)(1) 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 the application was filed. The adjustment began March 25, 2003, the day after the date that is 14 months after the date that the application was filed, and ended October 6, 2003, the date the non-final Office action was mailed.

The adjustment of 196 days was reduced 29 days in accordance with 37 CFR 1.704(b) for applicants' failure to respond within three months of the mail date of the non-final Office action. The reduction began January 7, 2003, the day after the date that is three months after the date the non-final Office action was mailed, and ended February 4, 2004, the date a response was filed.

The adjustment of 196 days was further reduced 82 days in accordance with 37 CFR 1.704(c)(10) due to submission of a miscellaneous letter, namely, a notice of assignee name change, on January 7, 2005. The adjustment began January 7, 2005, the date of submission of the miscellaneous letter, and ended March 29, 2005, the date of issuance of the patent.

As previously noted, applicants argue that the submission of the notice of assignee name change is not a failure to engage in reasonable efforts to conclude prosecution because the notice of assignee name change "does not require a response or any action from the PTO, and therefore did not cause substantial interference and delay in the patent issue process."

Applicants' arguments have been considered and found unconvincing. The period of adjustment of the term of a patent under 37 CFR 1.703(a) through (e) shall be reduced by a period equal to the period of time during which the applicant failed to engage in reasonable efforts to conclude prosecution (processing or examination) of the application. *See*, 37 C.F.R. § 1.704(a). Submission of a paper after the Notice of Allowance has been mailed constitutes a failure of the applicant to engage in reasonable efforts to conclude processing or examination of an application. *See*, 37 C.F.R. § 1.704(c)(10) and 1247 Off. Gaz. Pat. Off. 111 (June 26, 2001). Current Office policy holds that submission of a notice of assignee name change after Notice of Allowance has been given and prior to issuance of a patent does both interfere with and delay the patent issue process and, therefore, deemed a failure to engage in reasonable efforts to conclude prosecution/processing.

The Office acknowledges receipt of the required $200.00 application fee submitted herewith.

Patentees are given one (1) month to request reconsideration of this decision. The period of time for reconsideration is not extendible under 73 CFR 1.136(a) or 37 CFR 1.136(b).

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3202.

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

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Paula D. Morris
Paula D. Morris & Associates, P.C.
Suite 930
2925 Briar Park Dr.
Houston TX 77042-3728

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JUN 14 2004

OFFICE OF PETITIONS

In re Application of
Wellinghoff et al.
Application No. 10/057,548
Filed: January 23, 2002
For: METHODS FOR SYNTHESIS OF LIQUID CRYSTALS
Attorney Docket No: SwRI-2835
Pub. No.: US 2003/0055280 A1
Pub. Date: March 20, 2003

This is a response to the request for corrected patent application publication under 37 CFR 1.221(b), filed on March 26, 2004, because the patent application publication is missing the assignee information on the front page of the publication.

The request is DISMISSED at applicants request in response to a phone call on May 14, 2004.

37 CFR 1.221(b) is applicable "only when the Office makes a material mistake which is apparent from Office records . . . Any request for a corrected publication or revised patent application publication other than provided as provided in paragraph (a) of this section must be filed within two months from the date of the patent application publication. This period is not extendable." **A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.**[1]

Inquires concerning this communication should be directed to Mark Polutta at (703) 308-8122 (voice) or (703) 746-3465 (facsimile).

Mark O. Polutta
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

[1] Changes to Implement Eighteen-Month Publication of Patent Applications, 65 FR 57023, 57038 (Sept. 20, 2000), 1239 Off. Gaz. Pat. Office Notices 63, 75 (Oct. 10, 2000) (final rule).

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GUY MCCLUNG
16690 CHAMPION FOREST DRIVE
SPRING, TX 77379-7023

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AUG 1 8 2004

OFFICE OF PETITIONS

In re Application of	:	
Jimmie Brooks Bolton et al	:	
Application No. 10/057,549	:	ON PETITION
Filed: January 23, 2002	:	
Attorney Docket No. BOLT CIP	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 3, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure submit the formal drawings and in a timely manner in reply to the Notice of Allowance mailed January 14, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 15, 2004.

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

The application is being forwarded to the Publishing Division.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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LARSON NEWMAN ABEL POLANSKY & WHITE
5914 WEST COURTYARD DRIVE, SUITE 200
AUSTIN, TX 78746

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OFFICE OF PETITIONS

In re Application of	:	
Michael Primm et al	:	
Application No. 10/057,563	:	DECISION ON PETITION
Filed: January 25, 2002	:	TO WITHDRAW
Attorney Docket No. 1017-0012-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 October 28, 2005.

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

A review of the file record indicates that the power of attorney to customer No. 34456 has been revoked by the assignee of the patent application on March 22, 2006. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

This application is being referred to Technology Center AU 2145.

Telephone inquires concerning this decision should be directed to Wan Laymon at 571-272-3220.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: MINTZ LEVIN COHN FERRIS
GLOVSKY AND POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON, MA 02111

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GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

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APR 11 2006
OFFICE OF PETITIONS

In re Application of :
Dennis Michael Volpano :
Application No. 10/057,566 : DECISION GRANTING PETITION
Filed: January 25, 2002 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. CRAN0006 :

This is a decision on the petition, filed April 10, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on March 15, 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]

There is no indication that petitioner herein, Mr. George B. F. Yee, was ever given a power of attorney to prosecute this application. In accordance with 37 CFR 1.34(a), the signature of Mr. Yee appearing on the correspondence shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. If petitioner herein desires to receive correspondence regarding this file, the appropriate power of attorney documents must be submitted. A courtesy copy of this decision is being mailed to Mr. Yee. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new 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).*

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2131 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

cc:

Mr. George B. Y. Yee
Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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JUL 18 2006

OFFICE OF PETITIONS

In re Application of :
Dennis Michael Volpano :
Application No. 10/057,566 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. 026009-000110US :

This is a decision on the petition, filed July 17, 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 May 10, 2006, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2131 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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Paper No. 4

MAIL

APR 15 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

MYERS BIGEL SIBLEY & SAJOVEC
PO BOX 37428
RALEIGH NC 27627

In re Application of
Johansson et al.
Application No. 10/057,585
Filed: January 25, 2002
For: METHODS, SYSTEMS, AND COMPUTER PROGRAM PRODUCTS FOR DETERMINING THE LOCATION OF A MOBILE TERMINAL BASED ON THE STRENGTHS OF SIGNALS RECEIVED FROM TRANSMITTERS HAVING KNOWN LOCATIONS

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the requests to withdraw as attorney/agent of record filed on February 13, 2004.

A grantable request to withdraw as attorney/agent of record must do the following:
(1) indicate the present mailing address of the attorney(s)/agent(s) who seek(s) to withdraw, and
(2) be signed by each attorney/agent seeking to withdraw or clearly be signed on their behalf, and
(3) be *approved* at least thirty (30) days prior to the maximum extendable period for response to any outstanding Office Action, and
(4) indicate the address to which future correspondence should be mailed.

The Request to Withdraw as Attorney is **Denied**.

Attorney requesting withdrawal is not of record. All attorneys associated with Customer Number 20792 remain of record.

Further communications will continue to be directed to the address listed above until such a time as applicant properly notifies the Patent and Trademark Office of a change of address.

The application is being returned to TC 2600 Central Files to await an examination in appropriate turn.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

CC: John Han
Associate General Counsel – Intellectual Property
Ericsson Inc.
MS/EVW2-C-2
6300 Legacy Drive
Plano, Texas 75024

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 5

Paul A. Mendonsa
Blakely, Sokoloff, Taylor & Zafman, LLP
12400 Wilshire Boulevard, Seventh Floor
Los Angeles, CA 90025-1026

SEP - 5 2002

In re Application of :
George Forester :
Application No.: 10/057,591 :
Filing Date: January 25, 2002 :
For: DISTAL CHORDING KEYBOARD :

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed May 2, 2002 requesting that the above identified application be granted special status under the provisions of 37 C.F.R. § 1.102(c) and MPEP § 708.02 IV. There is no fee for this petition.

The petition is GRANTED.

The provisions of MPEP § 708.02 IV state that an "application may be made special upon filing a petition including any evidence that the applicant is 65 years of age, or more, such as a birth certificate or applicant's statement."

The present petition was accompanied by a declaration from applicant George Forester declaring that he is more than 65 years of age. The declaration constitutes sufficient evidence as set forth in MPEP § 708.02 IV.

The application is being forwarded to the examiner for action in due course.

Edward Westin

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

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Paper No. 12

Womble Carlyle Sandridge & Rice, PLLC
P.O. Box 7037
Atlanta GA 30357-0037

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OFFICE OF PETITIONS

In re Application of
Ralph Mitchell Hungerpiller and Ronald C. Cagle
Application No. 10/057,608
Filed: January 24, 2002
Attorney Docket No. R105 1010.1
Title: SYSTEM AND METHOD FOR PROCESSING RETURNED MAIL

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

This is a decision on the petition filed on May 13, 2003, pursuant to 37 C.F.R. §1.137(f), to revive the above-identified application.

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

(1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication[1];
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
(3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

On February 10, 2003, a Notice of Rescission of Nonpublication Request was filed with the Office. Unfortunately, notification of the filing of the international application did not accompany this filing.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an international application on January 24, 2003. However, the United States Patent and

1 See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at http://www.uspto.gov/web/forms/index.html.

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. §1.22(b)(2)(B)(iii) and 37 C.F.R. §1.213(c) for failure to timely notify the Office of the filing of an application under a multilateral international agreement, that requires publication of applications 18 months after filing.

37 C.F.R. §1.137(f) requires a statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. Since the statement contained in the instant petition varies from the language required by 37 C.F.R. §1.137(f), the statement contained in the instant petition is being construed as the statement required by 37 C.F.R. §1.137(f) and petitioner must notify the Office if this is not a correct interpretation of the statement contained in the instant petition.

The petition under 37 C.F.R. §1.137(f) is **GRANTED**.

Petitioner has submitted the notification of an international filing, paid the petition fee (which has been charged to petitioner's Deposit Account, as authorized in the petition), submitted a petition to expedite, and has made a statement which is being construed as the proper statement of unintentional delay.

The instant petition has been found to be in compliance with 37 C.F.R. §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 C.F.R. §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), filed with the original application papers, has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of October 9, 2003 accompanies this decision on petition.

After this decision is mailed, the application will be forwarded to Technology Center 3600 for further processing.

The shortened statutory period for reply is being restarted as of the mail date of this decision.

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

Beverly Flanagan
Supervisory Petitions Examiner
Office of Petitions
United States Patent and Trademark Office

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Alexandria, VA 22313-1450
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Paper No.

MAILED

APR 13 2009

OFFICE OF PETITIONS

Genzyme Corporation
15 Pleasant Street Connector
P.O. Box 9322
Framingham MA 01701-9322

In re Application of	:	
Abraham Scaria et al.	:	
Application No. 10/057,620	:	DECISION ON PETITION
Filed: October 25, 2001	:	PURSUANT TO
Attorney Docket Number:	:	37 C.F.R. § 1.137(B)
5046US	:	
Title: METHODS FOR TREATING	:	
BLOOD COAGULATION DISORDERS	:	

This is a decision on the petition filed August 25, 2008, pursuant to 37 C.F.R. § 1.137(b), to revive the above-identified application.

The petition pursuant to 37 C.F.R. § 1.137(b) is **GRANTED.**

The above-identified application became abandoned for failure to submit an Appeal Brief within two-months of the filing of a Notice of Appeal, filed on October 4, 2006. No extensions of time pursuant to 37 C.F.R. § 1.136(a) were received. Accordingly, the above-identified application became abandoned on December 5, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by:

(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in 37 C.F.R. § 1.20(d)) required pursuant to paragraph (d) of this section.

With this petition, Petitioner has submitted the petition fee, a Request for Continued Examination (RCE) along with the associated fee, an amendment, and the proper statement of unintentional delay.

The first three requirements of Rule 1.137(b) have been met. The fourth requirement of Rule 1.137(b) is not applicable, as a terminal disclaimer is not required.[1]

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the submission under 37 C.F.R. § 1.114 - the amendment received on August 25, 2008 - can be processed.

Petitioner may find it beneficial to view Private PAIR within a fortnight of the present decision to ensure that the revival has been acknowledged by the Technology Center in response to this decision. It is noted that all inquiries with regard to any failure of that change in status should be directed to the Technology Center where that change of status must be effected - **the Office of Petitions cannot effectuate a change of status.**

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225.[2] All other inquiries

1 See Rule 1.137(d).
2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. § 1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner.

concerning examination procedures or status of the application should be directed to the Technology Center.

/Paul Shanoski/
Paul Shanoski
Senior Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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JJGJR.: 01-04

Paper No: 8

RUSSEL H. MARVIN, CTO
TORRINGTON RESEARCH
COMPANY (ASSIGNEE)
89 COMMERCIAL BLVD
TORRINGTON CT 06790

COPY MAILED
JAN 2 9 2004
OFFICE OF PETITIONS

In re Application of
O'Connor :
Application No. 10/057,622 : ON PETITION
Filed: 25 October, 2001 :
Attorney Docket No. 3135-22 :

This is a decision on the petition filed on 31 October, 2003, to revive the above-identified application under 37 C.F.R. §1.137(a)

For the reasons set forth below, the petition under 37 C.F.R.§1.137(a) is **DISMISSED**.

NOTES:

(1) Any petition (and fee) for reconsideration of this decision under 37 C.F.R. §1.137(a) (as to unavoidable delay) or an alternative request for relief under 37 C.F.R. §1.137(b) (as to unintentional delay) must be submitted within two (2) months from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. §1.137(a)"; and/or "Petition under 37 C.F.R. §1.137(b)";

(2) Thereafter, there will be no further reconsideration of this matter.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 28 May, 2003, with a reply due (absent a request and fee for extension of time) on or before Monday, 30 June, 2003;
- as a result, the application was deemed abandoned after midnight 28 June, 2003;
- no Notice of Abandonment was mailed before the instant petition was filed;
- the petition and accompanying declaration apparently ignore both the events of September 2001 and the subsequent November, 2001, biological attacks through the US Postal Service (USPS) system that brought to a halt many parts of mail operations on the east coast of the United States, and recite alleged delay by the Office in forwarding to Petitioner in February 2002 the filing receipt (for the 25 October, 2001, filing date) as the instigation of Petitioner's unavoidable delay;
- according to the allegations of the petition and accompanying declaration, the four month period between the filing of the application and delivery to Petitioner of the filing receipt caused Petitioner's staff to submit papers twice with the wrong application number--which error the Petitioner and Declarant acknowledge the Examiner ignored and nonetheless addressed the filings in the instant (and proper) application;
- however, it was Petitioner's failure to reply timely and properly to the 28 May, 2003, Notice that triggered the abandonment, and despite Declarant's statement otherwise, there is no documentary evidence that reply was mailed until shipment of the USPS Express Mail package bearing Label No. EU802507199US on 31 October, 2003, by which the instant petition also was transmitted;
- as indicated, the reply was filed with the instant petition.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[1]

---

[1] 35 U.S.C. §133 provides:

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

Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the

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

The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[2] Delays in responding properly raise the question whether delays are unavoidable.[3] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[4]

And the Petitioner must be diligent in attending to the matter.[5] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

Petitioner has failed to: make a showing of unavoidable delay.

Accordingly, in view of the record, the petition as considered under 37 C.F.R. §1.137(a) hereby is **dismissed** for failing to satisfy the "showing" requirement.

ALTERNATIVE VENUE

If Petitioner is unable to make a showing of unavoidable delay surpassing that tendered

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applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

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

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

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

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

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

heretofore, Petitioner's only alternative to irretrievable abandonment likely is to file a petition and fee as set forth at NOTE 1, above at page 1, under 37 C.F.R. §1.137(b), and state therein that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition (with fee) pursuant to 37 C.F.R. §1.137(b) was unintentional."

Thus, Petitioner may wish to supplement his petition to plead alternatively under 37 C.F.R. §1.137(b) wherein the "showing " burden is much less onerous.

Petitioner is cautioned that failure to submit such a petition 37 C.F.R. §1.137(b) timely may be viewed as intentional delay and an absolute bar to revival.

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

By mail: (Effective 1 May, 2003)[7]
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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

By hand: Crystal Plaza Four, Suite CP4-3C23
2201 South Clark Place
Arlington, VA 22202

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

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

[7] To determine the appropriate addresses for other subject-specific correspondence, refer to the USPTO Web site at www.uspto.gov.

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JJGJR: 03-04

Paper No: 10

RUSSEL H. MARVIN, CTO
TORRINGTON RESEARCH
COMPANY (ASSIGNEE)
89 COMMERCIAL BLVD
TORRINGTON CT 06790

COPY MAILED
MAR 11 2004
OFFICE OF PETITIONS

In re Application of
O'Connor
Application No. 10/057,622
Filed: 25 October, 2001
Attorney Docket No. 3135-22

ON PETITION

This is a decision on the petition filed as a request for reconsideration on 25 February, 2004, to revive the above-identified application under 37 C.F.R. §1.137(a)

For the reasons set forth below, the petition under 37 C.F.R.§1.137(a) is **DISMISSED**.

NOTE: The address of record in this matter and the address listed with the Office of Enrollment and Discipline (OED) are different from that submitted on Petitioner's papers. If Petitioner desires to receive future correspondence regarding this application, the appropriate change of address and/or power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 28 May, 2003, with a reply due (absent a request and fee for extension of time) on or before Monday, 30 June, 2003;

- as a result, the application was deemed abandoned after midnight 28 June, 2003;

- no Notice of Abandonment was mailed before the original petition was filed;

- the original petition (accompanied by the reply) and accompanying declaration recite alleged delay by the Office in forwarding to Petitioner in February 2002 the filing receipt (for the 25 October, 2001, filing date) as the instigation of Petitioner's unavoidable delay, and--according to the allegations of the petition and accompanying declaration--the four month period between the filing of the application and delivery to Petitioner of the filing receipt caused Petitioner's staff to submit papers twice with the wrong application number--which error the Petitioner and Declarant acknowledge the Examiner ignored and nonetheless addressed the filings in the instant (and proper) application;

- however, it was Petitioner's failure to reply timely and properly to the 28 May, 2003, Notice that triggered the abandonment, and despite Declarant's statement otherwise, there is no documentary evidence that reply was mailed until shipment of the USPS Express Mail package bearing Label No. EU802507199US on 31 October, 2003, by which the instant petition also was transmitted, and therefore the original petition was dismissed on 29 January, 2004, for failing to satisfy the "showing" requirement of the regulation;

- with the instant petition, Petitioner submits an Express Mail receipt bearing Label No. EU058467763US, but no document of record also bears that number.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[1]

---

[1] 35 U.S.C. §133 provides:

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

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

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

The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[2] Delays in responding properly raise the question whether delays are unavoidable.[3] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[4]

And the Petitioner must be diligent in attending to the matter.[5] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

Petitioner has failed to: make a showing of unavoidable delay.

Accordingly, in view of the record, the petition as considered under 37 C.F.R. §1.137(a) hereby is **dismissed** for failing to satisfy the "showing" requirement.

The instant file is held in the Office of Petitions for consideration of another matter.

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

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

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

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

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

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

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

cc:
Theodore R. Paulding
10 Penwood Lane
Wethersfield, CT 06109

UNITED STATES PATENT AND TRADEMARK OFFICE

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JJGJR.: 03-04

Paper No: 10

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TORRINGTON CT 06790

COPY MAILED
MAR 12 2004
OFFICE OF PETITIONS

In re Application of
O'Connor :
Application No. 10/057,622 : ON PETITION
Filed: 25 October, 2001 :
Attorney Docket No. 3135-22 :

This is a decision on the petition filed on 25 February, 2004, to revive the above-identified application under 37 C.F.R. §1.137(b)

For the reasons set forth below, the petition under 37 C.F.R.§1.137(b) is **GRANTED**.

NOTE:

The address of record in this matter and the address listed with the Office of Enrollment and Discipline (OED) are different from that submitted on Petitioner's papers. If Petitioner desires to receive future correspondence regarding this application, the appropriate change of address and/or power of attorney documentation must be submitted.

A courtesy copy of this decision will be mailed to Petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

BACKGROUND

The record reflects that:

- Petitioner failed to reply timely and properly to the Notice of Non-Compliant Amendment mailed on 28 May, 2003, with a reply due (absent a request and fee for extension of time) on or before Monday, 30 June, 2003;

- as a result, the application was deemed abandoned after midnight 28 June, 2003;

- no Notice of Abandonment was mailed before the original petition was filed;

- the original petition alleging unavoidable delay 37 C.F.R. §1.137(a) (accompanied by the reply) and accompanying declaration recite alleged delay by the Office in forwarding to Petitioner in February 2002 the filing receipt (for the 25 October, 2001, filing date) as the instigation of Petitioner's unavoidable delay, and--according to the allegations of the petition and accompanying declaration--the four month period between the filing of the application and delivery to Petitioner of the filing receipt caused Petitioner's staff to submit papers twice with the wrong application number--which error the Petitioner and Declarant acknowledge the Examiner ignored and nonetheless addressed the filings in the instant (and proper) application;

- however, it was Petitioner's failure to reply timely and properly to the 28 May, 2003, Notice that triggered the abandonment, and despite Declarant's statement otherwise, there is no documentary evidence that reply was mailed until shipment of the USPS Express Mail package bearing Label No. EU802507199US on 31 October, 2003, by which the instant petition also was transmitted, and therefore the original petition was dismissed on 29 January, 2004, for failing to satisfy the "showing" requirement under 37 C.F.R. §1.137(a);

- with the request for reconsideration, Petitioner submitted an Express Mail receipt bearing Label No. EU058467763US, but no document of record also bears that number, and so the petition was dismissed on 11 March, 2004;

- with the instant petition, Petitioner paid the fee and made the statement of unintentional delay–the reply requirement having previously been satisfied.

STATUTES, REGULATIONS AND ANALYSIS

Congress has authorized the Commissioner to "revive an application if the delay is shown to the

satisfaction of the Commissioner to have been "unavoidable." 35 U.S.C. §133 (1994).[1]

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

The language of 35 U.S.C. §133 and 37 C.F.R. §1.137(a) is clear, unambiguous, and without qualification: the delay in tendering the reply to the outstanding Office action, as well as filing the first petition seeking revival, must have been unavoidable for the reply now to be accepted on petition.[2] Delays in responding properly raise the question whether delays are unavoidable.[3] Where there is a question whether the delay was unavoidable, Petitioners must meet the burden of establishing that the delay was unavoidable within the meaning of 35 U.S.C. §133 and 37 C.F.R. §1.137(a).[4]

And the Petitioner must be diligent in attending to the matter.[5] Failure to do so does not constitute the care required under Pratt, and so cannot satisfy the test for diligence and due care.

(By contrast, unintentional delays are those that do not satisfy the very strict statutory and regulatory requirements of unavoidable delay, and also, by definition, are not intentional.[6]))

Petitioner has satisfied the regulatory requirements.

Accordingly, in view of the record, the petition as considered under 37 C.F.R. §1.137(b) hereby is **granted**.

---

[1] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

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

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

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

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

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

The instant application is forwarded to Technology Center 3700 for further processing.

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

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

cc:
Theodore R. Paulding
10 Penwood Lane
Wethersfield, CT 06109

UNITED STATES PATENT AND TRADEMARK OFFICE

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SCHERING-PLOUGH CORPORATION
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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JUL 21 2008

OFFICE OF PETITIONS

In re Application of	:	
HARRY R. DAVIS	:	
Application No. 10/057,629	:	DECISION ON APPLICATION
Filed: January 25, 2002	:	FOR
Atty Docket No. CV01382K	:	PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705(b)," filed August 30, 2007. Applicant requests correction of the patent term adjustment from 612 days to 921 days partly on the basis of the Office taking in excess of three years to issue the patent.

The request for reconsideration of the patent term adjustment is **GRANTED to the extent indicated herein.**

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 is **611 days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

To the extent that 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 three years of the filing date, a decision is being **held in abeyance** until after the actual patent date. 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 three years. See 37 CFR 1.703(b). It is noted that at the time of this decision the patent has not issued.

Applicant is given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within three years. A copy of this decision should accompany the request. Applicant may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of 37 CFR 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

On June 25, 2007, the Office mailed a Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. Applicant was advised that the patent term adjustment to date is 612 days. On August 30, 2007, applicant timely filed the instant request for reconsideration of the patent term adjustment.[1] Applicant directs the Office's attention to the filing of an Information Disclosure Statement (IDS) on May 10, 2005, after the filing of a notice of appeal on May 9, 2005, but before the filing of the appeal brief on June 6, 2005. Specifically, applicant asserts that the patent term adjustment should be reduced by one day for the period from the filing of the notice of appeal until the filing of the IDS in accordance with 37 CFR 1.704(c)(8).

The Office notes that the filing of the IDS on May 10, 2005, after the filing of the notice of appeal and before the filing of the appeal brief (i.e. during the period of perfecting the appeal), is not a circumstance that constitutes a failure to engage in reasonable efforts to conclude prosecution of the application within the meaning of 37 CFR 1.704(c)(8). Accordingly, the filing of the IDS on May 10, 2005, is not a supplemental reply or other paper within the meaning of 37 CFR 1.704(c)(8).

Nevertheless, a review of the application history reveals that the Office incorrect entered the date of the final decision in favor of applicant by the Board of Patent Appeals and Interferences as March 1, 2007, instead of February 28, 2007. The date of February 28, 2007, and not March 1, 2007, should have been used in calculating patent term adjustment. Thus, the

[1] Office records indicate that the issue fee payment was received on September 24, 2007.

period of adjustment pursuant to 37 CFR 1.703(e) is 661 days, the number of days beginning on the date on which the notice of appeal to the Board of Patent Appeals and Interferences was filed, May 9, 2005, and ending on the date of a final decision in favor of applicant by the Board of Patent Appeals and Interferences, February 28, 2007.

In view thereof, the patent term adjustment at the time of the mailing of the notice of allowance is **611 days** (760 days of Office delay - 149 days of applicant delay).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Applicant is reminded 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 was pending (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 three years after the filing date of the application that 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).

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

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

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

Enclosure: Copy of updated PAIR screen

Day : Sunday
Date: 7/20/2008

PALM INTRANET

Time: 09:36:14

PTA Calculations for Application: 10/057629			
Application Filing Date:	01/25/2002	PTO Delay (PTO):	761
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	149
Post-Issue Petitions:	0	Total PTA (days):	611
PTO Delay Adjustment:	-1		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
83	07/20/2008	ADJUSTMENT OF PTA CALCULATION BY PTO		1	
74	06/25/2007	MAIL NOTICE OF ALLOWANCE			
73	06/21/2007	ISSUE REVISION COMPLETED			
72	06/21/2007	DOCUMENT VERIFICATION			
71	06/13/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
70	06/13/2007	CASE DOCKETED TO EXAMINER IN GAU			
69	06/11/2007	NOTICE OF ALLOWABILITY			
68	09/29/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
67	03/01/2007	MAIL BPAI DECISION ON APPEAL - REVERSED	662		47
66	02/28/2007	BPAI DECISION - EXAMINER REVERSED			
65.7	09/29/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
65	09/29/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
64	09/09/2006	ASSIGNMENT OF APPEAL NUMBER			
63	08/23/2006	APPEAL AWAITING BPAI DOCKETING			
61	08/10/2006	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
60	08/07/2006	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
59	05/03/2006	ORDER RETURNING UNDOCKETED APPEAL TO THE EXAMINER			
58	04/11/2006	APPEAL AWAITING BPAI DOCKETING			
56	08/30/2005	MAIL EXAMINER'S ANSWER			
55	08/22/2005	EXAMINER'S ANSWER TO APPEAL BRIEF			
		MAIL MISCELLANEOUS COMMUNICATION TO			

54	08/16/2005	APPLICANT			
53	08/15/2005	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
52	06/09/2005	DATE FORWARDED TO EXAMINER			
51	06/06/2005	APPEAL BRIEF FILED			
50	05/20/2005	MAIL ADVISORY ACTION (PTOL - 303)			
49	05/18/2005	ADVISORY ACTION (PTOL-303)			
48.7	05/10/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
48	05/10/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
47	05/09/2005	NOTICE OF APPEAL FILED		1	43
46	04/14/2005	DATE FORWARDED TO EXAMINER			
45	04/08/2005	AMENDMENT AFTER FINAL REJECTION			
44.7	04/08/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
44	04/08/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
43	02/08/2005	MAIL FINAL REJECTION (PTOL - 326)			
42	02/07/2005	FINAL REJECTION			
41	11/23/2004	DATE FORWARDED TO EXAMINER			
40	11/17/2004	RESPONSE AFTER NON-FINAL ACTION			
39	10/20/2004	MAIL NON-FINAL REJECTION			
38	10/18/2004	NON-FINAL REJECTION			
34	07/14/2004	AFFIDAVIT(S) (RULE 131 OR 132) OR EXHIBIT(S) RECEIVED			
33	07/14/2004	OATH OR DECLARATION FILED (INCLUDING SUPPLEMENTAL)			
32	08/03/2004	DATE FORWARDED TO EXAMINER			
31	07/14/2004	RESPONSE AFTER NON-FINAL ACTION		29	27
30	07/14/2004	REQUEST FOR EXTENSION OF TIME - GRANTED			
29	07/14/2004	WORKFLOW INCOMING PETITION IFW			
28	07/14/2004	WORKFLOW INCOMING AMENDMENT IFW			
27	03/15/2004	MAIL NON-FINAL REJECTION			
26	03/03/2004	NON-FINAL REJECTION			
25	12/01/2003	REFERENCE CAPTURE ON IDS			
24.7	12/01/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		10	20
		INFORMATION DISCLOSURE STATEMENT (IDS)			

24	12/01/2003	FILED			
23	01/14/2004	CASE DOCKETED TO EXAMINER IN GAU			
22	12/09/2003	IFW AMENDED CASE PROCESSING COMPLETE			
21	12/09/2003	DATE FORWARDED TO EXAMINER			
20	11/21/2003	RESPONSE TO ELECTION / RESTRICTION FILED		109	15
19	10/31/2003	REFERENCE CAPTURE ON IDS			
18.7	10/31/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	10/31/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	10/21/2003	MAIL NOTICE OF INFORMAL OR NON-RESPONSIVE AMENDMENT			
16	08/13/2003	DATE FORWARDED TO EXAMINER			
15.1	08/04/2003	INFORMAL OR NON-RESPONSIVE AMENDMENT AFTER EXAMINER ACTION			
15	08/04/2003	RESPONSE TO ELECTION / RESTRICTION FILED			
14	07/02/2003	MAIL RESTRICTION REQUIREMENT	99		-1
13	06/30/2003	REQUIREMENT FOR RESTRICTION / ELECTION			
12.7	06/09/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
12	06/09/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11.7	05/16/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
11	05/16/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10.7	05/05/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	05/05/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9.7	04/14/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
9	04/14/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8.7	01/13/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	01/13/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7.7	08/23/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
7	08/23/2002	INFORMATION DISCLOSURE STATEMENT (IDS)			

		FILED			
6	09/04/2002	CASE DOCKETED TO EXAMINER IN GAU			
5.7	08/21/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
5	08/21/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
4	02/25/2002	APPLICATION DISPATCHED FROM OIPE			
3	02/20/2002	APPLICATION IS NOW COMPLETE			
2	02/06/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	01/25/2002	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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MERCK
PATENT DEPARTMENT (K-6-1, 1990)
2000 GALLOPING HILL ROAD
KENILWORTH NJ 07033-0530

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FEB 23 2010

OFFICE OF PETITIONS

In re Patent No. 7,488,734	:	DECISION ON REQUEST FOR
HARRY R. DAVIS	:	RECONSIDERATION OF
Issue Date: August 26, 2008	:	PATENT TERM ADJUSTMENT
Application No. 10/057,629	:	AND
Filed: January 25, 2002	:	NOTICE OF INTENT TO ISSUE
Attorney Docket No. CV01382K	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on October 21, 2008, which is being treated as a petition under 37 CFR 1.705(d) requesting that the patent term adjustment indicated on the above-identified patent be corrected to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred fifty-nine (1,259) days.

The petition to correct the patent term adjustment indicated on the above-identified patent to indicate that the term of the above-identified patent is extended or adjusted by one thousand two hundred fifty-nine (1,259) days is **GRANTED**.

The Office acknowledges the submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application is being forwarded to the Certificates of Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **one thousand two hundred fifty-nine (1,259) days**.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,417,039 B2

DATED : Aug. 26, 2008 **DRAFT**

INVENTOR(S) : Davis

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 1159 days

Delete the phrase "by 1159 days" and insert – by 1259 days--

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OFFICE OF PETITIONS

DAVIDSON, DAVIDSON & KAPPEL, LLC
14TH FLOOR
485 SEVENTH AVENUE
NEW YORK, NY 10018

In re Application of :
Ronald M. Burch, et al. :
Application No. 10/057,630 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. 200.1079CON5 :

This is a decision on the petition, filed January 29, 2007, to revive the above-identified application under 37 CFR 1.137(b).

The petition is GRANTED.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2)), runs from the date of this decision.

This 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 19, 2006. This decision precedes the mailing of a Notice of Abandonment. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2)), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination (RCE) and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(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 Notice of Appeal and appeal fee; (2) the petition fee of 1,500; and (3) a proper statement of unintentional delay.

This application is being referred to Technology Center AU 1639 to await the filing of an appeal brief or for such other appropriate reply as may be submitted to continue prosecution of the application.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries relating to the prosecution of the application should be referred to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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FISH & RICHARDSON PC
P O BOX 1022
MINNEAPOLIS, MN 55440-1022

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OFFICE OF PETITIONS

In re Application of	:	
Kazutaka Inukai	:	
Application No. 10/057,657	:	DECISION GRANTING PETITION
Filed: January 23, 2002	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 07977-293001	:	

This is a decision on the petition, filed October 3, 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 September 13, 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 2675 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), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form* ***must*** *be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).*

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BELL, BOYD & LLOYD LLC
P. O. BOX 1135
CHICAGO IL 60690-1135

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OFFICE OF PETITIONS

In re Application of :
Bortlik, et al. :
Application No. 10/057,660 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. 112701-593 :
For: PRIMARY COMPOSITION COMPRISING A LIPOPHILIC BIOACTIVE COMPOUND

This is a decision on the petition under 37 CFR 1.181, filed November 16, 2005 (certificate of mailing date November 11, 2005), requesting that the Office withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action, mailed March 22, 2005, which set forth an extendable three (3) month period for reply. The Office contended that this application became abandoned on June 23, 2005 for failure to reply to the March 22, 2005 non-final Office action. A Notice of Abandonment was mailed on November 1, 2005.

Petitioners assert that an amendment was timely filed and received in the Office on June 13, 2005.

In support of this assertion, petitioners have provided a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination date stamp, citing June 13, 2005 as the date of receipt, affixed thereto. The postcard lists, *inter alia*, that the filing included a 9 page amendment. The return postcard constitutes *prima facie* evidence that the items listed thereon were received in the Office on June 13, 2005. MPEP 503.

The petition under 37 CFR 1.181 is **GRANTED**, the Notice of Abandonment is **vacated**, and the holding of abandonment is withdrawn. No petition fee has been or will be charged in connection with this matter.

Accordingly, the application file will be forwarded to Technology Center A.U. 1651 for consideration of the amendment filed on June 13, 2005 and resubmitted with the present petition.

Telephone inquiries pertaining to this matter may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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OPM 07-02

Paper No. 5

PATRICK J S INOUYE P S
810 3RD AVENUE
SUITE 258
SEATTLE WA 98104

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JUL 1 8 2002

OFFICE OF PETITIONS

In re Application of	:	
Kouznetsov, Pak, Melchione, and	:	
Hogle	:	DECISION ACCORDING STATUS
Application No. 10/057,709	:	UNDER 37 CFR 1.47(a)
Filed: 25 January, 2002	:	
Atty Dkt No. 002.0233.01	:	

This is in response to the petition under 37 CFR 1.47(a), filed on 15 April, 2002.

The petition is **GRANTED**.

Petitioners have shown that non-signing inventor Daniel J. Melchione cannot be found. Specifically, petitioners have shown that a copy of the application papers was sent via USPS Certified Mail to the last known addresses of the non-signing joint inventor, but was returned by the Post Office as unclaimed.

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

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

D Wood

Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, DC 20231
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MAIL

MAY 27 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

ZILKA-KOTAB, P.E.
P.O. BOX 721120
SAN JOSE, CA 95172-1120

In re Application of :
VICTOR KOUZNETSOV :
Application No. 10/057,717 : DECISION ON REQUEST TO
Filed: January 25, 2002 : WITHDRAW AS ATTORNEY
For: **SYSTEM AND METHOD FOR PROVIDING TELEPHONIC CONTENT SECURITY SERVICE IN A WIRELESS NETWORK ENVIRONMENT** :

This is a decision on the Request to Withdraw as Attorney/Agent of record filed on April 15, 2005.

A grantable request to withdraw as attorney/agent of record must do the following:
(1) indicate the present mailing address of the attorney(s)/agent(s) who seek(s) to withdraw, and
(2) be signed by each attorney/agent seeking to withdraw or clearly be signed on their behalf, and
(3) be *approved* at least thirty (30) days prior to the maximum extendable period for response to any outstanding Office Action, and
(4) indicate the address to which future correspondence should be mailed.

A Revocation and Power of Attorney was filed May 9, 2005.

Accordingly, the request is **DISMISSED.**

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

Kenneth A Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

CC: PATRICK JS INOUYE PS
810 3RD AVENUE
SUITE 258
SEATTLE, WA 98104

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)
6,648,016	2003-11-18	10/057,734	2002-01-24	ALF-48

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	/Jeffrey M. Karmilovich Reg. No. 35,915/	Date (YYYY-MM-DD)	2008-04-08
Name	Jeffrey M. Karmilovich	Registration Number	35915

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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In re Patent No. 6648016
Issue Date: November 18,2003
Application No. 10057734
Filed: January 24,2002
Attorney Docket No. ALF-48

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

This is a decision on the electronic petition, filed April 8,2008 ,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 8,2008 . 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
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Alexandria, VA 22313-1450
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Paper No. 8

Roger R. Wise
PILLSBURY WINTHROP LLP
725 S. Figueroa Street, #2800
Los Angeles, CA 90017

JUN 10 2004

In re Application of:
SIGLINGER *et al.*
Serial No.: 10/057,752
Filed: October 25, 2001
Attorney Docket No.: **TEMP 2341000**

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the petition filed December 31, 2003, to withdraw the holding of abandonment in the above identified application under 37 CFR § 1.181. No petition fee is required.

The request is **GRANTED**.

The application was held abandoned for the failure to timely file a response to the Office action mailed on April 01, 2003. A Notice of Abandonment was mailed on October 21, 2003.

Petitioner asserts that on September 30, 2003, a response including an amendment, a Power of Attorney and Revocation and a petition for an extension of time, was timely filed in the above-identified application. To support this assertion, petitioner has submitted a copy of the response bearing a certificate under 37 CFR § 1.8(a), signed and dated September 30, 2003, a copy of a return postcard, which acknowledges receipt in the USPTO of the response on October 03, 2003 and a copy of a canceled check for fees associated with the response.

A review of the application file reveals the above noted response was not matched with the application file wrapper at the time of mailing of the Notice of Abandonment. The above-identified response filed September 30, 2003, has since been located and matched with the file wrapper.

For the above stated reason, the petition is granted. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn. The application is restored to pending status.

The application file is being forwarded to the examiner of record for consideration of the response and prompt appropriate action.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

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

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CHERSKOV & FLAYNIK
THE CIVIC OPERA BUILDING
20 NORTH WACKER DRIVE, SUITE 1447
CHICAGO IL 60606

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MAY 0 4 2006
OFFICE OF PETITIONS

In re Application of :
Bavykin, et al. :
Application No. 10/057,753 : DECISION ON PETITION
Filed: January 23, 2002 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 0003/00377 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 1, 2005 (certificate of mailing date August 29, 2005), to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to the prior-filed nonprovisional application 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;
(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.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Therefore, this is a proper petition under 37 CFR 1.78(a)(3).

The petition complies with the requirements for a grantable petition under 37 CFR 1.78(a)(3) in that (1) 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 provided by 37 CFR 1.78(a)(2)(iii); (2) the surcharge fee required by 37 CFR 1.17(t) has been submitted; and (3) the petition contains a proper statement of unintentional delay. 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 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. It is noted that the corrected filing receipt was created on March 21, 2006.

Any inquiries concerning this decision may be directed to Petitions Attorney E. Shirene Willis at (571) 272-3230. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1637 for appropriate action on the amendment filed September 1, 2005 (certificate of mailing date August 29, 2005), including consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

Frances Hicks

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

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/057,753	01/23/2002	1637	435	0003/00377	7	18	2

CONFIRMATION NO. 9563

CORRECTED FILING RECEIPT

OC000000018335549

27197
CHERSKOV & FLAYNIK
THE CIVIC OPERA BUILDING
20 NORTH WACKER DRIVE, SUITE 1447
CHICAGO, IL 60606

Date Mailed: 03/21/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Sergei Bavykin, Darien, IL;
Andrei D. Mirzabekov, Moscow, RUSSIAN FEDERATION;

Power of Attorney:

Donald Flaynik Jr--30836
Michael Cherskov--33664
Albert Tsui--51066

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/263,840 01/23/2001
and is a CON of 09/751,654 12/29/2000 PAT 6,818,398

Foreign Applications

If Required, Foreign Filing License Granted: 02/25/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/057,753

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Method for labeling DNA and RNA

Preliminary Class

536

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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Paper No. 9

RAE-VENTER LAW GROUP, P.C.
P.O. BOX 1898
MONTEREY CA 93942-1898

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MAR 2 7 2003

OFFICE OF PETITIONS

In re Application of :
Pouletty, et al. : LETTER
Application No.: 10/057,791 :
Filed: January 23, 2002 :
Attorney Docket No.: DASI.005.00US :

Reference is made to the declaration under 37 CFR 1.63 filed for inventor Pouletty on January 8, 2003.

Please be advised that the declaration executed by inventor Pouletty is not proper as 37 CFR 1.63 requires that the oath or declaration identify each inventor by full name. The declaration filed January 8, 2003, only identifies inventor Pouletty--giving the impression that inventor Pouletty is a sole inventor. A declaration must be filed that is executed by inventor Pouletty and lists the names and citizenship of all the other joint inventors.

The petition under 37 CFR 1.47 filed September 30, 2002, is noted. Once a proper declaration for inventor Pouletty is filed, the petition under 37 CFR 1.47 will be rendered moot as joinder will have occurred.

The above-cited application file will be held in the Office of Petitions pending receipt of proper declaration executed by inventor Pouletty.

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

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

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

By hand: Office of Petitions
2201 South Clarke Place
Crystal Plaza 4, Suite 3C23
Arlington, Virginia 22202

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 11

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OCT 16 2003

OFFICE OF PETITIONS

Rae-Venter Law Group, PC
PO Box 1898
Monterey, CA 93942-1898

In re Application of :
Pouletty, et al. :
Application No.: 10/057,791 : DECISION NOTING JOINDER
Filed: January 23, 2002 :
Attorney Docket No: DASI.005.00US :
FOR: NEW AMPHETAMINE DERIVATIVES, ANTIBODIES AGAINST THEM AND PHARMACEUTICAL COMPOSITIONS CONTAINING THE **AND USES THEREOF**
:

This is in response to the correspondence filed April 4, 2003, noting the joinder of inventor Pouletty in the above-cited application.

In view of the joinder of the inventor, further consideration under 37 CFR 1.47(a) is not necessary. This application does not have any Rule 1.47(a) status and no such status should appear on the file wrapper. **The petition under 37 CFR 1.47(a) filed September 30, 2002, is rendered moot by the joinder of the previously non-signing inventor.** This application need not be returned to this Office for further consideration under 37 CFR 1.47(a).

The Manual of Patent Examining Procedure ("MPEP"), § 409.03(j) provides that "[i]n the event the previously nonsigning inventor decides to join the application by filing an executed oath or declaration complying with 37 CFR 1.63, the oath or declaration will be placed in the application file."

Accordingly, the declaration for inventor Pouletty has been entered and made of record.

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

Telephone inquiries should be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 10

Leo R. Reynolds, Esq.
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road
P.O. Box 9133
Concord MA 01742-9133

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OFFICE OF PETITIONS

In re Application of
Cleary, et al.
Application No. 10/057,797
Filed: October 29, 2001
Attorney Docket No. 3128.1001-001
FOR: PRINTING SYSTEM WITH VACUUM TABLE

: DECISION GRANTING
: PETITION

This is a decision on the petition under 37 CFR 1.53(e), filed October 1, 2002, requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed September 5, 2002.

The application was deposited on October 29, 2001. On September 5, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners that pages 3, 8, and 13 of the specification were omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that pages 3, 8, and 13 be accorded a filing date of October 29, 2001 on the basis that the entire specification, including missing pages 3, 8, and 13, was received in the Patent and Trademark Office (PTO) on October 29, 2001. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode showing October 29, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 14 pages of specification. Only 11 pages are present in the application file. The missing pages correspond to pages 3, 8, and 13.

The return postcard constitutes *prima facie* evidence that the entire specification, including missing pages 3, 8, and 13, was filed on October 29, 2001. MPEP 503. Accordingly, the request is **granted**.

Pursuant to petitioner's request, the $130.00 petition fee will be credited to deposit account no. 08-0380.

The application is being returned to Office of Initial Patent Examination for further processing, using the copy of pages 3, 8, and 13 supplied with the petition. The application, including pages 3, 8, and 13, will have a filing date of October 29, 2001.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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August 31, 2006

FILE COPY

Patent No. : 6,881,043 B2
Ser. No. : 10/057798
Inventor(s) : Barak
Issued : April 19, 2005
Title : **INJECTION APPARATUS INCORPORATING CLAMPING AND SQUEEZING MEMBERS FOR PUMPING LIQUID THROUGH FLEXIBLE TUBING**
Docket No. : **CME/02-001.IL.US**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (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 or (703) 308-8309

GREGORY L BRADLEY
MEDRAD INC
ONE MEDRAD DRIVE
INDIANOLA PA 15051

CBN/eme

UNITED STATES PATENT AND TRADEMARK OFFICE

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LEWIS AND ROCA, LLP
40 N. CENTRAL AVE.
PHOENIX AZ 85004

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AUG 0 9 2004

OFFICE OF PETITIONS

In re Application of :
Fred C. Hoyle :
Application No. 10/057,805 : ON PETITION
Filed: January 23, 2002 :
Attorney Docket No. 99999.77340 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 31, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to pay the issue fee as required by the Notice of Allowance and Fee(s) Due mailed on November 20, 2003, which set a three (3) month statutory period for reply. Accordingly, this application became abandoned on February 21, 2004. A Notice of Abandonment was mailed on April 7, 2004.

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Patent Publication, Customer Service at (703) 305-8497.

Telephone inquiries specifically concerning this decision 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

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United States Patent and Trademark Office
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Christopher C Winslade
McAndrews Held & Malloy
500 W Madison Street Suite 3400
Chicago, IL 60661

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OFFICE OF PETITIONS

In re Application of

Ronald L. Mahany :

Application No. 10/057,816

: DECISION ON PETITION

Filed: January 24, 2002

:

Attorney Docket No. 36500ZXD

This is a decision on the "Contingent Petition to Revive Unintentionally Abandoned Application under 37 CFR 1.137(b), filed April 24, 2006. The petition will be treated under 37 CFR 1.137(b).

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the Notice of Non-Compliant Amendment mailed July 12, 2005. The notice set a shortened period for reply of one (1) month from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). No response was received within the allowable period. Accordingly, the application became abandoned on August 13, 2005. A Notice of Abandonment has not yet been mailed. The application is abandoned by operation of law, notwithstanding the Office's failure to mail the Notice of Abandonment or to note the application as abandoned in Office records.

The response to the Notice of Non-Compliant Amendment, filed April 26, 2006, is noted.

The request for an extension of time within the fifth month is noted, but cannot be granted as the request was made outside the maximum period for reply. Further, the extension of time is not necessary because the application is already in an abandoned status. The amount of $2,040.00 will be credited to deposit account 13-0017.

The application is being forwarded to Technology Center 2600, GAU 2618 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/21/2010

Applicant	: Ronald L. Mahany	: DECISION ON REQUEST FOR
Patent Number	: 7606575	: RECALCULATION of PATENT
Issue Date	: 10/20/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/057,816	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/24/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1218** 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
WASHINGTON, D.C. 20231
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Paper No. 6

TOWNSEND and TOWNSEND and CREW, LLP
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of
Charles J. Kring et al.
Application No. 10/057,827
Filed: January 25, 2002
Attorney Docket No. 020995-000110US
For: METHOD AND SYSTEM FOR POLICY BASED MANAGEMENT OF MESSAGES FOR MOBILE DATA NETWORKS

DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is a decision on the petition under 37 CFR 1.47(a), filed August 20, 2002.

The petition under 37 CFR 1.47(a) is **dismissed.**

Rule 47 applicant is given **TWO MONTHS** from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR 1.47(a)," should only address the deficiencies noted below, and 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 remain governed by 37 CFR 1.136(a).

The above-identified application was filed on January 25, 2002, without an executed oath or declaration. Accordingly, on February 20, 2002, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring, among other items, an executed oath or declaration and surcharge.

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, drawings, and oath or declaration); (2) an acceptable oath or declaration in compliance with 35 USC §§ 115 and 116; (3) the petition fee; and (4) a statement of the last known address of the non-signing inventor.

Petitioner has failed to satisfy item (1) set forth above. Petitioner has failed to establish that the inventor either cannot be reached or that the inventor received the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the oath or declaration.

The declaration of Charles J. Kring indicates that the "'520 application and a declaration" were sent to the non-signing inventor at the non-signing inventor's last known address in January, 2002. Declarant further states that a scheduled meeting with the inventor for the purpose of signing a declaration for the instant application was canceled July 25, 2002. Declarant further indicates that an attempt to email a copy of the declaration to the non-signing inventor on August 7, 2002 was unsuccessful. Declarant also states that on August 20, 2002, he was notified that the non-signing inventor was "on vacation and had no access to a FAX machine" and that the non-signing inventor "promised to fax the signed declaration on August 21, 2002." Despite these efforts, petitioner indicates an executed declaration has yet to be received.

Petitioner is reminded that before a constructive refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventor. Petitioner has provided no evidence that the non-signing inventor was ever presented with a complete copy of the application papers (specification, claims, drawings, oath or declaration) for the instant application. While the declaration of Charles J. Kring indicates a copy of the parent application was forwarded to the non-signing inventor at the non-signing inventor's last known address, there is no indication that the inventor ever received the application papers for the instant application and thereafter constructively refused to execute the declaration.

Moreover, as to Charles J. Kring's declaration that the non-signing inventor was on vacation, petitioner is reminded that the mere fact that the 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." *See*, MPEP 409.03(d).

Any renewed petition should be accompanied by evidence to sufficiently establish that the non-signing inventor was sent a complete copy of the application papers and thereafter refused to execute the declaration. A copy of the application papers should be sent to the last known address of the non-signing inventor, or, if the non-signing inventor is represented by counsel, to the address of the non-signing inventor's attorney. Petitioner may wish to provide the Office copies of letters sent to the inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventor receives the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

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

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

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

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

Telephone inquiries should be directed to Huyen Le at (703) 305-1645.

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

OIPE JC156
AUG 22 2002
PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Mark J. Ratain et al.	Group Art Unit: 1645
Serial No.: 10/057,834	Examiner: Unknown
Filed: January 25, 2002	Atty. Dkt. No.: ARCD:358US
For: COMPOSITIONS AND METHODS FOR OPTIMIZING UGT2B7 SUBSTRATE DOSINGS AND FOR PREDICTING UGT2B7 SUBSTRATE TOXICITY	

CERTIFICATE OF MAILING
37 C.F.R 1.8

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: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date below:

August 16, 2002
Date

Gina N. Shishima

RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION FILED UNDER 37 C.F.R. 1.53(b)

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

Sir:

In response to the Notice to File Missing Parts of Nonprovisional Application Under 37 C.F.R. § 1.53(b), dated April 16, 2002, there are enclosed herewith:

(a) Declaration executed on behalf of Mark J. Ratain, Federico Innocenti, Soma Das, Lalitha Iyer and Michael Sawyer;

(b) A Power of Attorney on behalf of The University of Chicago;

(c) Statement as Required Under 37 C.F.R. § 1.825(a) and (b) and Statement as Required Under 37 C.F.R. § 1.821(g);

(d) Computer Readable Form of Sequence Listing;

(e) Paper Copy of Sequence Listing;

(f) Our check in the amount of $1595.00 to cover the basic filing fee ($370.00 - utility small entity); surcharge for late filing ($65.00); additional claims fee ($960.00); two month extension of time fee ($200.00);

(g) A copy of Notice to File Missing Parts of Nonprovisional Application Filed Under 37 C.F.R. 1.53(b)-Filing Date Granted; and

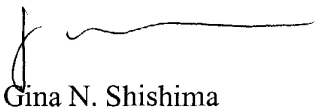
(h) A Request for Extension of Time of two months to and including August 16, 2002. Should such request be absent, consider this such a request and authorization to withdraw the appropriate fee under 37 C.F.R. §§ 1.16 to 1.21 as stated below.

An Assignment to The University of Chicago and a check for $40.00 are being filed under separate cover.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/ARCD:358US.

Please date stamp and return the accompanying postcard to evidence receipt of these documents.

Respectfully submitted,



Gina N. Shishima
Reg. No. 45,104
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: August 16, 2002

OIPE JC100
AUG 22 2002
PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:
Mark J. Ratain et al.

Serial No.: 10/057,834

Filed: January 25, 2002

For: COMPOSITIONS AND METHODS FOR OPTIMIZING UGT2B7 SUBSTRATE DOSINGS AND FOR PREDICTING UGT2B7 SUBSTRATE TOXICITY

Group Art Unit: 1645

Examiner: Unknown

Atty. Dkt. No.: ARCD:358US

CERTIFICATE OF MAILING
37 C.F.R 1.8

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: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date below:

August 16, 2002
Date

Gina N. Shishima

REQUEST FOR EXTENSION OF TIME TO RESPOND TO NOTICE TO FILE MISSING PARTS DATED APRIL 16, 2002

BOX MISSING PARTS
Commissioner for Patents
Washington, D.C. 20231

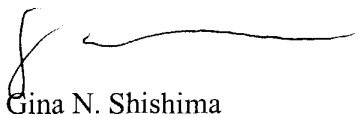
Sir:

Pursuant to 37 C.F.R. § 1.136(a), Applicants petition for an extension of time of two months to and including August 16, 2002 in which to respond to the Notice to File Missing Parts dated April 16, 2002.

Pursuant to 37 C.F.R. § 1.17, a check in the amount of $1595.00 is enclosed, which includes the process fee ($200.00) for a two month extension of time.

If the check is inadvertently omitted, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/ARCD:358US.

Respectfully submitted,



Gina N. Shishima
Reg. No. 45,104
Attorney for Applicants

FULBRIGHT & JAWORSKI L.L.P.
600 Congress Avenue, Suite 2400
Austin, Texas 78701
(512) 474-5201

Date: August 16, 2002

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
10/057,834	01/25/2002	Mark J. Ratain	ARCD:358US 10110361

CONFIRMATION NO. 1557

FORMALITIES LETTER

OC000000007873091

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

OIPE JC158 AUG 22 2002 PATENT & TRADEMARK OFFICE

Date Mailed: 04/16/2002

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 $ **370** *to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is $960.
  - $**792** for **88** total claims over 20.
  - $**168** for **4** 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(l) 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 $ 1395.**

- A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing." Applicant must provide a substitute computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d).

For questions regarding compliance to these requirements, please contact:

- **For Rules Interpretation, call (703) 308-4216**

- **To Purchase PatentIn Software, call (703) 306-2600**
- **For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov**

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

OIPE JC100
AUG 2 2 2002
PATENT & TRADEMARK OFFICE

TD MP 4 Box SAP

FULBRIGHT & JAWORSKI L.L.P.
A REGISTERED LIMITED LIABILITY PARTNERSHIP
600 CONGRESS AVENUE, SUITE 2400
AUSTIN, TEXAS 78701

TELEPHONE: 512/474-5201
FACSIMILE: 512/536-4598

WRITER'S INTERNET ADDRESS:
GSHISHIMA@FULBRIGHT.COM

WRITER'S DIRECT DIAL NUMBER:
512/536-3081

HOUSTON
WASHINGTON, D.C.
AUSTIN
SAN ANTONIO
DALLAS
NEW YORK
LOS ANGELES
MINNEAPOLIS
LONDON
HONG KONG

August 16, 2002

FILE: ARCD:358US

CERTIFICATE OF MAILING
37 C.F.R 1.8

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: Box Missing Parts, Commissioner for Patents, Washington, DC 20231, on the date below:

August 16, 2002
Date

Gina N. Shishima

BOX MISSING PARTS
Commissioner for Patents
Washington, DC 20231

RE: *U.S. Patent Application No. 10/057,834 entitled "COMPOSITIONS AND METHODS FOR OPTIMIZING UGT2B7 SUBSTRATE DOSINGS AND FOR PREDICTING UGT2B7 SUBSTRATE TOXICITY" – Mark J. Ratain et al. (Client reference: UCHI:846)*

Sir:

Please find enclosed:

(1) A Response to Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(b) mailed April 16, 2002;

(2) Four Declarations;

(3) Power of Attorney;

(4) Preliminary Amendment;

(5) Statement as Required Under 37 C.F.R. § 1.825(a) and (b) and Statement as Required Under 37 C.F.R. § 1.821(g);

(6) Computer Readable Form of Sequence Listing;

(7) Paper Copy of Sequence Listing;

(8) Request for Extension of Time;

(9) Copy of Notice to File Missing Parts of Nonprovisional Application filed under 37 C.F.R. 1.53(c)-Filing Date Granted;

(10) Check in the amount of $1595.00; and

(11) A return postcard to acknowledge receipt of these materials. Please date stamp and mail this postcard.

If the check is inadvertently omitted, or the amount is insufficient, or should any additional fees under 37 C.F.R. §§ 1.16 to 1.21 be required for any reason relating to the enclosed materials, or should an overpayment be included herein, the Commissioner is authorized to deduct or credit said fees from or to Fulbright & Jaworski Deposit Account No.: 50-1212/ARCD:358US.

Respectfully submitted,

Gina N. Shishima
Reg. No. 45,104

GNS/mar
Encl: as noted

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAR 30 2007
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OFFICE OF PETITIONS

STEPHEN T. SULLIVAN OF ROBERTS,
MIOTKOWSKI & HOBBES, P.C.
7001 E. PARADISE DRIVE
SCOTTSDALE AZ 85254-5175

In re Application of :
Eric F. Meyers et al :
Application No. 10/057,845 : DECISION GRANTING PETITION
Filed: January 24, 2002 : UNDER 37 CFR 1.137(b)
Attorney Docket No. 1600-002 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 25, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Nonfinal Rejection of August 25, 2005, 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 2132.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STEPHEN T. SULLIVAN OF ROBERTS,
MIOTKOWSKI & HOBBES, P.C.
7001 E. PARADISE DRIVE
SCOTTSDALE, AZ 85254-5175

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JUN 12 2008

OFFICE OF PETITIONS

In re Application of :
Eric F. Meyers et al :
Application No. 10/057,845 : ON PETITION
Filed: January 24, 2002 :
Attorney Docket No. 1600-002 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 15, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the Office action mailed July 6, 2007, which set a shortened statutory period for reply of two (2) months. Accordingly, the above-identified application became abandoned on September 7, 2007.

Petitioner should note that a petition to withdraw from issue under 37 CFR 1.313(c)(2) is required in order to have the request for continued examination (RCE) and the Information Disclosure Statement (IDS) consider.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

This matter is being referred to Technology Center AU 2132 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

STEPHEN T. SULLIVAN OF ROBERTS,
MIOTKOWSKI & HOBBES, PC
7001 E. PARADISE DRIVE
SCOTTSDALE, AZ 85254-5175

COPY MAILED

JUL 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Eric F. Meyers, et al.	:	
Application No. 10/057,845	:	DECISION GRANTING PETITION
Filed: January 24, 2002	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1600-002	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed June 27, 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 May 25, 2007 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to undersigned at (571) 272-1642.

This application is being referred to Technology Center AU 2132 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the filed information disclosure statement filed October 15, 2007.

April M. Wise
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

Paper No.13

MORRISON & FOERSTER LLP
755 PAGEMILL RD.
PALO ALTO CA 94304-1018

COPY MAILED

JUL 0 2 2004

OFFICE OF PETITIONS

In re Application of
Jordi Gracia Ferrer et al
Application No. 10/057,847
Filed: January 25, 2002
Attorney Docket No. 251502007500

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed August 14, 2003, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP00/07062, filed July 24, 2000 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.

The instant pending application was filed on January 25, 2002, and was pending at the time of filing of the instant petition. A reference to the prior-filed PCT application has been included in an amendment to the first sentence of the specification following the title and an application data sheet, as required by 37 CFR 1.78(a)(2)(iii).

---

[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 nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed PCT application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed PCT 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 and 365(c). 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 and (365(c) to the prior-filed PCT 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 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 application, accompanies this decision on petition.

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 1624 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. §§ 120 and 365(c) to prior-filed PCT Application No. PCT/EP00/07062, filed July 24, 2000.

Karen Creasy

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

Paper No. 6

JOHN S. PRATT, ESQ.
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

COPY MAILED

OCT 2 8 2002

OFFICE OF PETITIONS

In re Application of
Guyon, et al.
Application No. 10/057,849
Filed: January 24, 2002
Atty. Dkt. No.: 02331-0161
(42286-267669)
Title: METHODS OF IDENTIFYING PATTERNS IN BIOLOGICAL SYSTEMS AND USES THEREOF

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

This decision is in response to the petition under 37 CFR 1.47(b), filed October 8, 2002.

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(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed January 24, 2002 without an executed oath or declaration and naming Isabelle Guyon and Jason Weston as joint inventors. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed April 8, 2002 requiring, among other items, an executed oath or declaration and a surcharge.

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 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 statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to preserve the rights of the parties or to prevent irreparable damages.

The instant petition lacks items (1), (2), and (6) set forth above.

As to item (1), petitioner has failed to establish that the inventors received the application papers (specification, claims, drawings, and oath or declaration) and thereafter refused to execute the oath or declaration.

Application No. 10/057,849

The declaration of Janina A. Malone states that on May 31, 2002, a Declaration and Power of Attorney was forwarded to inventors via electronic mail. Declarant indicates the declaration has not been returned by either inventor.

Petitioner is reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona fide* effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventors. Petitioner has presented no evidence that the non-signing inventors were ever presented with a complete copy of the application papers (specification, claims, drawings, oath or declaration) for the instant application.

Any renewed petition should be accompanied by evidence to sufficiently establish that the non-signing inventors were sent a complete copy of the application papers and thereafter refused to execute the declaration. A copy of the application papers should be sent to the last known address of the non-signing inventors, or, if the non-signing inventors are represented by counsel, to the address of the non-signing inventors' attorney. Petitioner may wish to provide the Office copies of letters sent to the inventor indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration). If after the inventors receive the application papers and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on renewed petition.

As to item (2), an acceptable oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 has not been presented. Any renewed petition should be accompanied by a proper oath or declaration wherein the name, address, residence, and citizenship of each inventor is set forth. The declaration should be executed by a corporate officer, such as the president, vice president, secretary, or treasurer of the assignee on behalf of and as agent for the non-signing inventor. The corporate officer's title or position must be identified in the declaration. If an officer is unavailable to execute the declaration, the declaration may be signed on behalf of the corporation by one whose proof of signing authority has been submitted to the Office, such as the corporation's attorney. The signature block of the non-signing inventor should remain unexecuted. Petitioner's attention is directed to MPEP 409.03(b) for further guidance.

As to item (6), the petition does not give any indication that status under Rule 47 is necessary to preserve the rights of any particular party or to prevent irreparable damages to any particular party.

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

By mail: Commissioner for Patents

Application No. 10/057,849

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 the undersigned at (703) 305-0310.

Alesia M. Brown
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
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Paper No. 9

JOHN S. PRATT, ESQ.
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

COPY MAILED

JUN 3 0 2003

OFFICE OF PETITIONS

In re Application of	
Guyon, et al.	
Application No. 10/057,849	DECISION REFUSING
Filed: January 24, 2002	STATUS UNDER 37 CFR
Atty. Dkt. No.: 02331-0161 (42286-267669)	1.47(b)
Title: METHODS OF IDENTIFYING PATTERNS IN BIOLOGICAL SYSTEMS AND USES THEREOF	

This decision is in response to the renewed petition under 37 CFR 1.47(b), filed December 26, 2002.

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(b)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. Failure to respond will result in abandonment of the application. Any extensions of time will be governed by 37 CFR 1.136(a).

The above-identified application was filed January 24, 2002 without an executed oath or declaration and naming Isabelle Guyon and Jason Weston as joint inventors. Accordingly, a Notice to File Missing Parts of Nonprovisional Application was mailed April 8, 2002 requiring, among other items, an executed oath or declaration and a surcharge. A petition under 37 CFR 1.47(b) was filed October 8, 2002 and dismissed December 26, 2002.

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 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 statement of the last known address of the non-signing inventor; (5) proof of proprietary interest; and (6) a showing that such action is required to preserve the rights of the parties or to prevent irreparable damages.

The instant petition fails to satisfy items (1) set forth above. Petitioner has failed to establish that the inventors received the application papers (specification, including claims, drawings, and oath or declaration) and thereafter refused to execute the oath or declaration.

Petitioner is reminded that before a refusal to sign an oath or declaration can be alleged, it must be demonstrated that a *bona*

fide effort has been made to present a complete copy of the application papers (specification, including claims, drawings, and oath or declaration) to the non-signing inventors.

The evidence submitted herewith has established that the inventors received copies of an international application. Petitioner is required to establish that the inventors received a copy of the complete application (specification, including specification, claims, drawings, and oath or declaration) as filed for the above-identified application and thereafter refused to execute an oath or declaration. *See*, MPEP 409.03(d).

Any renewed petition should be accompanied by evidence to sufficiently establish that the non-signing inventors were sent a complete copy of the application papers for the instant application for patent and thereafter refused to execute the declaration. A copy of the application papers for the instant application should be sent to the last known address of the non-signing inventors, or, if the non-signing inventors are represented by counsel, to the address of the non-signing inventors' attorney. Petitioner should provide the Office with copies of letters sent to the inventors indicating the enclosure of the application papers (specification, claims, drawings, and oath or declaration) for the instant application for patent. If after the inventors receive the application papers for the instant application for patent and requests to execute the oath or declaration are refused, these facts should be set forth in a statement of facts signed by the person to whom the refusals were made and detailing with specificity the exact manner of the refusals. If a written refusal has been made, a copy of the written refusal should be included on 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 facsimile:	(703) 308-6916
By hand:	Office of Petitions 2201 South Clark Place Crystal Plaza 4, Suite 3C23 Arlington, VA 22202
By delivery service: (FedEx, UPS, DHL, etc.)	U.S. Patent and Trademark Office 2011 South Clark Place Customer Window, **Mail Stop Petition** Crystal Plaza Two, Lobby, Room 1B03 Arlington, VA 22202

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0310.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 11

JOHN S. PRATT, ESQ.
KILPATRICK STOCKTON, LLP
1100 PEACHTREE STREET
SUITE 2800
ATLANTA, GA 30309

COPY MAILED

SEP 15 2003

OFFICE OF PETITIONS

In re Application of	
Guyon, et al.	
Application No. 10/057,849	DECISION GRANTING
Filed: January 24, 2002	STATUS UNDER 37 CFR
Atty. Dkt. No.: 02331-0161	1.47(b)
(42286-267669)	
Title: METHODS OF IDENTIFYING	
PATTERNS IN BIOLOGICAL SYSTEMS	
AND USES THEREOF	

This decision is in response to the renewed petition under 37 CFR 1.47(b), filed August 28, 2003.

The petition is **GRANTED**.

Petitioner has shown that inventors Isabelle Guyon and Jason Weston have refused to join in the filing of the above-identified application after having been presented with the application papers.

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.

This application 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) 305-0310.

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 15 2003

OFFICE OF PETITIONS

ISABELLE GUYON
955 CRESTON ROAD
BERKELEY, CA 94708

In re Application of :
Guyon, et al. :
Application No. 10/057,849 : LETTER
Filed: January 24, 2002 :
Atty. Dkt. No.: 02331-0161 :
(42286-267669) :
Title: METHODS OF IDENTIFYING :
PATTERNS IN BIOLOGICAL SYSTEMS AND :
USES THEREOF :

Dear Madam:

You are named as an inventor in the above-identified United States patent application filed under the provisions of 35 U.S.C. 116 (United States Code) and 37 C.F.R. § 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost as per 37 C.F.R. § 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. § 1.63.

Telephone inquiries regarding this communication should be directed to the undersigned at (703) 305-0310. 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).

Alesia M. Brown
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

LATHROP & GAGE LC
4845 PEARL EAST CIRCLE
SUITE 300
BOULDER, CO 80301

COPY MAILED

JUN 19 2002

OFFICE OF PETITIONS

In re Application of :
Victor F. Petrenko et al :
Application No. 10/057,859 : NOTICE
Filed: January 24, 2002 :
Attorney Docket No. 388506 :

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

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

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

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Technology Center AU 3644.

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. 6

James E. Ledbetter, Esq.
STEVENS, DAVIS, MILLER & MOSHER, L.L.P.
Suite 850
1615 L Street, N.W.
Washington, DC 20036

MAIL

JUL 0 3 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Toyaki Ue et al.
Application No.: 10/057,897
Filed: January 29, 2002
For: RADIO COMMUNICATION APPARATUS AND TRANSMISSION RATE CONTROL METHOD

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed March 12, 2002, to make the above-identified application special pursuant to M.P.E.P. § 708.02 (VIII).

A grantable petition to make special in accordance with M.P.E.P. § 708.02, Item VIII, must be accompanied by (a) the fee set forth in 37 C.F.R. § 1.17(I), (b) a statement that all claims are directed to a single invention or an offer to make an oral election without traverse should the Patent and Trademark Office hold that the claims are not directed to a single invention, **(c) a statement that a pre-examination search has been made by the inventor, attorney, agent, professional searcher, etc., and a listing of the field of search by class and subclass,** (d) one copy of each of the references deemed most closely related to the subject matter encompassed by the claims, and (e) **a detailed description of the submitted references and discussions pointing out how the claimed subject matter is distinguishable over these references.**

The petition lacks a listing of the field of search by class and subclass as stated in (c) and a detailed description of the cited references, as in (e), in the IDS filed January 29, 2002, except for Tiedemann Jr. et al. and Mahany et al. references. Applicants must distinguish the claimed subject matter over the cited references.

For the above stated reasons, the petition is **DENIED**.

Should applicant desire reconsideration, he/she should supplement this petition by including the information as outlined above. No further petition fee is required.

Any request for reconsideration must be filed within **TWO MONTHS** from the mailing date of this decision.

The application file is being forwarded to the technology center central files to await a response for the office action mailed April 10, 2002.

Kenneth A. Wieder, SPRE
Technology Center 2600
Communications

PTO/SB/44 (04-04)
Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,815,534

DATED : November 9, 2004

INVENTOR(S) : Moore 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 Title Page, under the heading "References Cited," and the subheading "Other Publications", which spans the second column, please replace the reference listing of:

"Genbank Accession No. AA007433, "zh95g09.r1 Soares_fetal_liver_spleen INFLS_S1 Homo sapiens cDNA clone IMAGE:429088 5', MRNA sequence" (Jun. 1996)."

with the following:

Genbank Accession No. AA007433, "zh95g09.r1 Soares_fetal_liver_spleen 1NFLS_S1 Homo sapiens cDNA clone IMAGE:429088 5', MRNA sequence" (Jun. 1996).

In the Claims:

Claim 41, please change "claim 34 labeled" to claim 34 is labeled.

MAILING ADDRESS OF SENDER:
Mark J. Hyman
HUMAN GENOME SCIENCES, INC.
Intellectual Property Dept.
14200 Shady Grove Road
Rockville, Maryland 20850

PATENT NO. 6,815,534

No. of additional copies 1

Please insert Claims 162-166 as follows:

162. An isolated monoclonal antibody or fragment thereof that specifically binds to a protein selected from the group consisting of:

(a) a protein consisting of a portion of SEQ ID NO:2, wherein said portion is at least 30 contiguous amino acid residues in length;

(b) a protein consisting of a portion of SEQ ID NO:2, wherein said portion is at least 50 contiguous amino acid residues in length;

(c) a protein consisting of a portion of the polypeptide encoded by the cDNA contained in ATCC Deposit Number 209023, wherein said portion is at least 30 contiguous amino acid residues in length; and

(d) a protein consisting of a portion of the polypeptide encoded by the cDNA contained in ATCC Deposit Number 209023, wherein said portion is at least 50 contiguous amino acid residues in length.

163. The antibody or fragment thereof of claim 162 that specifically binds protein (a).

164. The antibody or fragment thereof of claim 162 that specifically binds protein (b).

165. The antibody or fragment thereof of claim 162 that specifically binds protein (c).

166. The antibody or fragment thereof of claim 162 that specifically binds protein (d).

MAILING ADDRESS OF SENDER:
Mark J. Hyman
HUMAN GENOME SCIENCES, INC.
Intellectual Property Dept.
14200 Shady Grove Road
Rockville, Maryland 20850

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OBLON, SPIVAK, MCCLELLAND, MAIER &
NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA VA 22314

COPY MAILED

FEB 22, 2005

OFFICE OF PETITIONS

In re Application of :
Masumi Nomura et al :
Application No. 10/057,955 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No. 218917US2 :

This is a decision on the petition, filed February 17, 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 September 17, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2121 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JJGJr.:09-02

Paper 6

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SEP 1 6 2002

OFFICE OF PETITIONS

HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON DC 20004

In re Application of
Horne
Application No. 10/057,983
Filed: 29 January, 2002
Attorney Docket No. 82001-0297

: DECISION ON PETITION

This is a decision on the petition filed on 21 June, 2002, under 37 C.F.R. §1.47(a), but considered under 37 C.F.R. §1.47(b)[1] because the case is a matter in which no inventor signs the oath or declaration since the sole inventor cannot be found or refuses to sign.

The petition is **DISMISSED**.

Any petition (and fee) 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(b)" and may include an oath or declaration executed by the inventors.

Failure to respond will result in abandonment of the application.

BACKGROUND

The record indicates:

- this application was filed on 29 January, 2002, without, *inter alia*, an executed oath or declaration by the sole named inventor Martin Horne (Mr. Horne);
- accordingly, a Notice of Missing Parts was mailed on 21 February, 2002;
- in response to the Notice of Missing Parts, Petitioner filed on 21 June, 2002, *inter alia*, a request and fee for a two- (2-) month extension of time, the surcharge and the instant petition and fee;
- the petition fails to enclose/attach a copy of the transmittal letter(s) accompanying and evidencing the mailing of the entire application (specification including description, claims, abstract and the drawings) to Mr. Horne at his last known address.

---

[1] The regulations at 37 C.F.R. §1.47, in pertinent part:

§1.47 Correction of inventorship in a patent application, other than a reissue application.

* * *

(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 §17(i), and the last known address of all of the inventors. The Office shall, except in a continued prosecution application under §1.53(d) , forward notice of the filing of the application to all of the inventors at the addresses stated in the application and publish notice of the filing of the application in the *Official Gazette*. An inventor may subsequently join in the application on filing an oath or declaration complying with §1.63.

Because the documentation otherwise supporting the petition was present, a call was placed to the office of Counsel requesting that the document(s) in question be forwarded via FAX to the Office of Petitions, however, as of this writing no response has been received.

ANALYSIS

While Petitioner has to established its proprietary interest and that the inventors cannot be found 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) or cannot be reached, the Office requests a copy of the transmittal letter evidencing the mailing of the entire application (specification including description, claims, abstract and the drawings) to Mr. Horne at his last known address.

A copy of the application papers must be sent to the last known address of the non-signing inventor(s) with a request that he/she sign the declaration for the patent application. A forwarding address should be requested, if the papers are returned, and other attempts to locate the inventor, e.g. through e-mail or the telephone continue to fail, then applicant will have established that the inventor(s) cannot be reached.

The submission must contain documentation evidencing that the entire application and the oath or declaration were sent to the inventors at his/her last know address. Such evidence should included a copy of the transmittal letter (not previously included herein) and a copy of the shipping waybill and the shipper's indication of delivery, refusal, or other non-delivery conditions.

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. (An oath or declaration in compliance with 37 C.F.R. §1.63 and §1.64 signed by the Rule §1.47 applicant is required.)

Moreover, Petitioner's Counsel must set forth in his/her statement their attestation that he/she believes all of the information submitted to be correct--including the required foregoing items and the statement of the last known addresses of the inventors.

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 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 PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
www.uspto.go

JJGJr.:09-02

Paper 8

HOGAN & HARTSON LLP
IP GROUP, COLUMBIA SQUARE
555 THIRTEENTH STREET, N.W.
WASHINGTON DC 20004

COPY MAILED

MAR 1 7 2003

OFFICE OF PETITIONS

In re Application of :
Horne : DECISION ON PETITION
Application No. 10/057,983 :
Filed: 29 January, 2002 :
Attorney Docket No. 82001-0297 :

This is a decision on the renewed petition filed on 14 November, 2002, under 37 C.F.R. §1.47(b)[1] because the case is a matter in which no inventor signs the oath or declaration since the sole inventor could not be found or refused to sign.

The petition under 37 C.F.R. §1.47(b) is **DISMISSED as moot** upon the signing of the oath/declaration by the previously unavailable inventor.

This application is forwarded to Technology Center 2100 for the file bibliography to be updated to reflect the filing of the executed oaths/declarations and then for further processing in due course.

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

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

---

[1] The regulations at 37 C.F.R. §1.47, in pertinent part:

§1.47 Correction of inventorship in a patent application, other than a reissue application.

* * *

(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 §17(l), and the last known address of all of the inventors. The Office shall, except in a continued prosecution application under §1.53(d), forward notice of the filing of the application to all of the inventors at the addresses stated in the application and publish notice of the filing of the application in the *Official Gazette*. An inventor may subsequently join in the application on filing an oath or declaration complying with §1.63.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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NOV 17 2006

OFFICE OF PETITIONS

BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN NC 28562

In re Application of	:	
Frank JORDENS et al.	:	DECISION ON PETITION
Application No. 11/058,081	:	UNDER 37 CFR 1.78(a)(3)
Filed: February 10, 2005	:	
Attorney Docket No. 2002P00885WOUS	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed April 28, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 and 365(c) for the benefit of priority to prior-filed PCT Application No. PCT/EP03/09189, filed August 19, 2003, set forth in the accompanying Application Data Sheet (ADS) (the international application number is referred to in the petition and ADS as PCT/EP2003/009189).

The petition under 37 CFR 1.78(a)(3) 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;
(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.

All the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 and 365(c) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that the application is entitled to the benefit of the prior-filed application. In order for the application to be entitled to the

benefit of the prior-filed application, all other requirements under 35 U.S.C. §§ 120 and 365(c) 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 application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to David Bucci at (571) 272-7099. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to the examiner of Technology Center Art Unit 3749 for appropriate action on the amendment filed April 28, 2006, including consideration of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 and 365(c) to the above-noted, prior-filed PCT application.

David Bucci
Petitions Examiner
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
11/058,081	02/10/2005	3749	1000	2002P00885WOUS		14	1

CONFIRMATION NO. 5916

CORRECTED FILING RECEIPT

OC000000021268234

000046726
BSH HOME APPLIANCES CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
100 BOSCH BOULEVARD
NEW BERN, NC 28562

Date Mailed: 11/17/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Frank Jordens, Traunstein, GERMANY;
Klemens Roch, Trostberg, GERMANY;
Michael Wagner, Grabenstatt, GERMANY;
Bernhard Walter, Bernstadt, GERMANY;

Assignment For Published Patent Application

BSH Bosch und Siemens Hausgerate GmbH, Munich, GERMANY

Power of Attorney:

John Winburn--26822
Russell Warnock--32860
Craig Loest--48557

Domestic Priority data as claimed by applicant

This application is a CON of PCT/EP03/09189 08/19/2003

Foreign Applications

GERMANY 10239180.7 08/21/2002

If Required, Foreign Filing License Granted: 03/17/2005

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US11/058,081

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Cooking compartment door of a cooking oven having a pyrolysis function

Preliminary Class

126

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

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

NOT GRANTED

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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AUG 18 2006

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
Hideo ANDO, et al.
Application No. 10/058,091
Filed: January 29, 2002
For: **INFORMATION RECORDING METHOD AND INFORMATION REPRODUCING METHOD**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed May 30, 2006 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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MORGAN, LEWIS & BOCKIUS LLP
1111 Pennsylvania Avenue, N.W.
Washington DC 20004

MAILED

OCT 1 4 2004

Technology Center 2100

In re Application of:
James FRISKEL
Application No. 10/058,097
Filed: January 29, 2002
For: SYSTEM AND METHOD FOR DEVELOPING AND PROCESSING A GRAPHICAL USER INTERFACE FOR A COMPUTER APPLICATION

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed May 3, 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: Mr. James Hao
Wagner, Murabito & Hao
2 North Market Street
3rd Floor
San Jose, CA 95113

UNITED STATES PATENT AND TRADEMARK OFFICE

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AUG 18 2006

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

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

In re Application of
Hideo ANDO, et al.
Application No. 10/058,099
Filed: January 29, 2002
For: **INFORMATION RECORDING METHOD AND INFORMATION REPRODUCING METHOD**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed June 2, 2006 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

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OLIFF & BERRIDGE
P.O. BOX 19928
ALEXANDRIA VA 22320

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MAY 18 2005

OFFICE OF PETITIONS

In re Application of :
Mutsumi Kimura :
Application No. 10/058,116 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No. 111829 :

This is a decision on the petition, filed May 16, 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 May 3, 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 2811 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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
www.uspto.gov

JOEL R. PETROW
Smith & Nephew, Inc.
1450 Brooks Road
Memphis, TN 38116

Mail Date: 06/16/2010

Applicant	: Philip B. Sample	: DECISION ON REQUEST FOR
Patent Number	: 7641667	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/058,122	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/29/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1089** 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.

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MAIL Paper No. 7

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES CA 90025

OCT 21 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of DAVID BERRY, ET AL.)
Application No.: 10/058,152)
Filed: January 25, 2002)
For: **SINGLE APPLET TO COMMUNICATE WITH MULTIPLE HTML ELEMENTS CONTAINED INSIDE OF MULTIPLE CATEGORIES ON A PAGE**)

DECISION ON PETITION FOR ACCELERATED EXAMINATION UNDER M.P.E.P. §708.02(VIII)

This is a decision on the petition, filed September 24, 2003 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 **GRANTED**.

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.

The petition filed September 24, 2003 meets all of the requirements above; accordingly, the Petition is **GRANTED**.

The application file is being forwarded to the Examiner of Record for promptly examining this application out of turn according to the procedures set forth in M.P.E.P. §708.02.

Bot LeDynh
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
(703) 305-0651

UNITED STATES PATENT AND TRADEMARK OFFICE

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12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

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APR 12 2006

Technology Center 2100

In re Application of: David Berry
Application No. 10/058,152
Filed: January 25, 2002
For: SINGLE APPLET TO COMMUNICATE WITH MULTIPLE HTML ELEMENTS CONTAINED INSIDE OF MULTIPLE CATEGORIES ON A PAGE

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed September 19, 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 is the date of decision and not the date of request. See M.P.E.P. § 402.06. **37 C.F.R. § 10.40(a) further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.**

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

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

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

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JUN 18 2002

OFFICE OF PETITIONS

YURI GLUKHOY
440 Arguello Blvd. #1
San Francisco CA 94118

In re Application of
Glukhoy
Application No. 10/058,153
Filed: January 29, 2002
Attorney Docket No. N/A

DECISION GRANTING
PETITION

This is a decision on the petition entitled, "PETITION WITH EVIDENCE OF DEPOSIT", filed April 15, 2002 (certificate of mailing date April 2, 2002), requesting, in effect, withdrawal of the Notice to File Omitted Item(s) in a Nonprovisional Application (Notice) . The petition will be treated under 37 CFR 1.53(e).

The application was deposited on January 29, 2002. On March 7, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioner that drawing figure 4 described in the specification appeared to have been omitted.

In response to the Notice, petitioner timely filed the present petition. Petitioner requests that drawing figure 4 be accorded a filing date of January 29, 2002 on the basis that 7 sheets of drawing figures, including drawing figure 4, were received in the Patent and Trademark Office (PTO) on January 29, 2002. In support, the petition is accompanied by a copy of applicant's itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing January 29, 2002 as the date of receipt. The postcard lists, *inter alia*, that the filing included 7 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 7 sheets of drawing figures, including drawing figure 4, were filed on January 29, 2002. MPEP 503. Accordingly, the request is granted.

The $130.00 petition fee will be refunded. A treasury check will be scheduled in due course.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of **January 29, 2002**, using the copy of drawing figure 4 submitted with the instant petition. Office records will be corrected to show that 7 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

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FLIESLER DUBB MEYER & LOVEJOY, LLP
FOUR EMBARCADERO CENTER
SUITE 400
SAN FRANCISCO, CA 94111

Paper No. 5

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JUN 3 0 2003

OFFICE OF PETITIONS

In re Application of:
Jeffrey A. Rapaport, Seymour A. Rapaport, Jeffrey E. Clarke, Eric R. Reinhart and Michael U. Bergens
Application No. 10/058,154
Filed: January 25, 2002
Title of Invention: ADAPTIVE COMMUNICATION METHODS AND SYSTEMS FOR FACILITATING THE GATHERING, DISTRIBUTION AND DELIVERY OF INFORMATION RELATED TO MEDICAL CARE:

DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the Petition Under 37 CFR 1.47(a), filed on April 9, 2003, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. **FAILURE TO RESPOND WILL RESULT IN THE ABANDONMENT OF THIS APPLICATION**. The reconsideration request should include a

Background

The above-identified application was filed on January 25, 2002, without a fully executed oath or declaration. Accordingly, on February 25, 2002, a "Notice to File Missing Parts of Nonprovisional Application" (hereinafter "Notice"), was mailed to Petitioner. The Notice required, in relevant part, a properly executed oath or declaration. Applicant was given two-months from the date of the Notice within which to file a fully executed oath or declaration.

In response to the Notice, Petitioner files the instant petition noting that declarations signed by four of the five inventors either accompanies the petition or were filed earlier. However, a review of the file reveals that the only declaration therein was filed with the application on January 25, 2002, and contains the signatures of only two inventors.

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.

An oath or declaration in compliance with 37 CFR 1.63, or a supplemental oath or declaration in compliance with 37 CFR 1.67, is required.

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

By mail: Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

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

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MACPHERSON KWOK CHEN & HEID LLP
1762 TECHNOLOGY DRIVE, SUITE 226
SAN JOSE, CA 95110

Paper No. 9

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AUG 04 2003

OFFICE OF PETITIONS

In re Application of:
Jeffrey A. Rapaport, Seymour A. Rapaport, Jeffrey E. Clarke, Eric R. Reinhart and Michael U. Bergens
Application No. 10/058,154
Filed: January 25, 2002
Title of Invention: ADAPTIVE COMMUNICATION METHODS AND SYSTEMS FOR FACILITATING THE GATHERING, DISTRIBUTION AND DELIVERY OF INFORMATION RELATED TO MEDICAL CARE:

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the correspondence filed July 25, 2003 via facsimile, which is treated as a Request for Reconsideration of Petition Under 37 CFR 1.47(a), to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning inventor(s).

The petition is **granted**.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

Petitioner has shown that the non-signing inventor, Michael U. Bergens, cannot be found or reached after diligent effort.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the Petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being returned to Technology Center Art Unit 2632 for continued processing in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (703) 305-0014.

Derek L. Woods
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Michael Uri Bergens
General Delivery
Incline Village, Nevada 89450

In re Application of:
Jeffrey A. Rapaport, Seymour A. Rapaport, Jeffrey E. Clarke, Eric R. Reinhart and Michael U. Bergens
Application No. 10/058,154
Filed: January 25, 2002
Title of Invention: ADAPTIVE COMMUNICATION METHODS AND SYSTEMS FOR FACILITATING THE GATHERING, DISTRIBUTION AND DELIVERY OF INFORMATION RELATED TO MEDICAL CARE

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AUG 04 2003

OFFICE OF PETITIONS

LETTER

Dear Mr. Bergens:

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 (703) 305-0014. 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).

Derek L. Woods
Petitions Attorney
Office of Petitions

cc: MACPHERSON KWOK CHEN & HEID LLP
1762 TECHNOLOGY DRIVE, SUITE 226
SAN JOSE, CA 95110

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 6

DARRELL HOLMES BRANDON
993-D LAS TABLAS RD.
TEMPLETON, CA 93465

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APR 0 1 2004

OFFICE OF PETITIONS

In re Application of :
Brandon :
Application No. 10/058,155 : ON PETITION
Filed: January 29, 2002 :
For: RAISED BEVERAGE CAN TOP WITH HOLDING CLIP AND SPACER :

This is a decision on the petition under 37 C.F.R. § 1.137(a), filed February 10, 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 Corrected Application Papers (Notice) mailed February 26, 2002. The Notice set a period for reply of two (2) months from the mail date of the Notice. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 27, 2002. A Notice of Abandonment was mailed on January 16, 2004.

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 submission of claims and abstract on separate pages has resulted in page 7 of the specification being flawed. Specifically, page 7 continues to include a portion of the claims. An amendment correcting page 7 must be submitted.

The instant decision is based solely on the specific facts and circumstances of this case. Similar petitions may not be granted in the future. Therefore, petitioner should read the attachment and ensure all future correspondence is mailed (or sent by facsimile transmission) in compliance with 37 CFR 1.8 or 1.10.

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
Senior Petitions Attorney
Office of Petitions

Attachment: Excerpts from MPEP concerning Rule 8 and Rule 10

UNITED STATES PATENT AND TRADEMARK OFFICE

APR 22 2004
PATENT & TRADEMARK OFFICE 2800

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

Paper No. 6

DARRELL HOLMES BRANDON
993-D LAS TABLAS RD.
TEMPLETON, CA 93465

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APR 0 1 2004

OFFICE OF PETITIONS

In re Application of :
Brandon :
Application No. 10/058,155 : ON PETITION
Filed: January 29, 2002 :
For: RAISED BEVERAGE CAN TOP WITH HOLDING CLIP AND SPACER :

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Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

Attachment: Excerpts from MPEP concerning Rule 8 and Rule 10

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Paper No. 6

BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025

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JUL 0 1 2003

OFFICE OF PETITIONS

In re Application of
Steve Holmgren
Application No. 10/058,164
Filed: January 25, 2002
Attorney Docket No. 003399.P089

: DECISION ON PETITION
: UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed May 15, 2003, under 37 CFR 1.137(f), which is being treated as a petition under 37 CFR 1.137(b) to revive the instant nonprovisional application.

The petition is dismissed as **MOOT**.

An applicant who makes a nonpublication request under 35 U.S.C. 122(b)(2)(B)(i) and then rescinds (pursuant to 35 U.S.C. § 122(b)(2)(B)(ii)) the nonpublication request **before or on the date a counterpart application is filed in an eighteen-month publication country**, the nonpublication request will be treated as annulled and the application will be treated as if the nonpublication request were never made. *See* Notice published on www.USPTO.gov on June 6, 2003, which clarifies the USPTO's interpretation of the provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv).

In the instant application, a notice to rescind was filed prior to the filing date of a corresponding application in a foreign country. Therefore, since the filing of the request to rescind prior to the filing date of a corresponding application in a foreign country resulted in the annulling of the nonpublication request, this application is not regarded as abandoned. As such, the filing of a petition to revive is unnecessary and is dismissed as involving a moot issue.

Since this application is not in fact abandoned for the reason stated above, the submitted petition fee of $1,300 is being credited to Deposit Account No. 02-2666 as authorized.

This application is being forwarded to Technology Center Art Unit 2175 for examination in due course.

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

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

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MAIL

Paper No. 6

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

NOV - 3 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
HOUVENER, ROBERT C.
Application No. 10/058,198
Filed: January 25, 2002
For: **HIGH VOLUME MOBILE IDENTITY VERIFICATION SYSTEM AND METHOD**

DECISION
ON PETITION

This is a decision on the request to withdraw as attorney/agent of record filed on July 29, 2003.

Attorneys requesting withdraw are not of record due to a Revocation of Power of Attorney executed by the applicant on August 21, 2003.

Accordingly, the request is **DISMISSED AS MOOT**.

Further communications will be directed to the address listed below until such a time as applicant properly notifies the Patent and Trademark Office of a change of address.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

cc: SCOTT C. RAND, ESQ.
MCLANE, GRAF, RAULERSON & MIDDLETON, PA
900 ELM STREET, P.O. BOX 326
MANCHESTER NH 03105-0326

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**

PAUL S. ROOY
2620 S. PENINSULA DRIVE
DAYTONA BEACH, FL 32118

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NOV 2 1 2002

OFFICE OF PETITIONS

In re Application of	:	
Larry L. McGuire	:	
Application No. 10/058,203	:	DECISION GRANTING PETITION
Filed: January 29, 2002	:	UNDER 37 CFR 1.137(f)
Attorney Docket No. 0201UR	:	

This is a decision on the petition, filed October 28, 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 July 12, 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 July 31, 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 3616 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

APR 16 2003

UR
PAPER NO. 9

In re Application of :
Jeffrey A. Colborn :
Serial Number: 10/058,231 :
Filed: October 19, 2001 : DECISION ON
For: METHODS OF USING FUEL CELL SYSTEM : PETITION UNDER
CONFIGURED TO PROVIDE POWER TO : M.P.E.P. 708.02, V
ONE OR MORE LOADS :

This is in response to the petition filed, March 21, 2002 requesting that the above-identified application be granted Special Status under section 708.02 (V), and alternatively under Section 708.02 (VIB) of the MPEP and 37 CFR 1.102(c) (no fee required).

The request for Special Status considered under Section 708.02 (V) is granted because criteria under 37 CFR 1.102(c) has been met.

The request for Special Status under section 708.02 (VI B) is granted because criteria under 37 CFR 1.102(c) has been met.

Accordingly the petition is GRANTED.

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

Howrey Simon Arnold & White, LLP
301 Ravenswood Avenue
Box 34
Menlo Park, CA 94025

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No. 8

David B. Ritchie
THELEN REID & PRIEST LLP
P.O. Box 640640
San Jose, CA 95164-0640

MAILED

AUG 1 2 2004

Technology Center 2100

In re Application of:
Brent A. LOWENSOHN, et al.
Application No. 10/058,233
Filed: January 25, 2002
For: PORTABLE WIRELESS ACCES TO COMPUTER-BASED SYSTEMS

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed July 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: Charles G. Call
68 Horse Pond Road
West Yarmouth, MA 02673

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)
6938188	2005-08-30	10058243	2002-01-29	PTI-111

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	/Mark J. Spolyar/	Date (YYYY-MM-DD)	2010-03-09
Name	Mark J. Spolyar	Registration Number	42164

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re Patent No. 6938188
Issue Date: August 30,2005
Application No. 10058243
Filed: January 29,2002
Attorney Docket No. PTI-111

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

This is a decision on the electronic petition, filed March 9,2010 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 9,2010 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MCGINN INTELLECTUAL PROPERTY LAW GROUP, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

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JUL 18 2008

In re Application of :
Koji Tomioka :
Application No. 10/058,264 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No.: **NEC01P260-HYa** :

This is a decision on the petition filed June 2, 2008, under 37 CFR 1.181, to withdraw the holding of abandonment.

The petition under 37 CFR 1.181 is **GRANTED**.

The application was held abandoned on October 15, 2007, for failure to timely submit a timely response to the Restriction Requirement mailed September 11, 2007, which set the longer of one month or thirty days for reply. Accordingly, a Notice of Abandonment was mailed April 3, 2008.

Petitioner asserts that a response was filed and, in support, petitioner has submitted, *inter alia*, a copy of the response and a post card receipt date stamped October 10, 2007 by the USPTO.

A search of the application file and the USPTO records reveals that in fact, a response was received October 10, 2007. Accordingly, the Notice of Abandonment mailed April 3, 2007 was mailed in error and is hereby withdrawn. No petition fee is due and none has been charged.

This matter will be referred to Technology Center 2155 for appropriate action on the amendment filed October 10, 2007.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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United States Patent and Trademark Office
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Invitrogen Corporation
c/o Intellevate
P.O. Box 52050
Minneapolis, MN 55402

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MAR 2 7 2008

OFFICE OF PETITIONS

In re Application of :
James L. Hartley, et. al. :
Application No. 10/058,291 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. IVGN 127.7 CON :

This is a decision on the petition under 37 CFR 1.137(b), filed on February 14, 2007, to revive the above-identified application.

The above application became abandoned for failure to timely file a reply to the non-final Office action mailed August 11, 2006.

While the assignee attempted to intervene in the above-identified application, the Power of Attorney filed on January 18, 2007, does not comply with the requirements of 37 CFR 3.73(b). In this regard, compliance with 37 CFR 3.73(b) has not been satisfied, in that, a complete chain of title from the original owners to the current assignee has not been provided. Therefore, in order to perfect the power of attorney filed on January 18, 2007, full compliance with 37 CFR 3.73(b) must be satisfied.

In accordance with 37 CFR 1.34(a), the signature of Peter Foiles appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party in whose behalf he acts. A courtesy copy of this decision is being mailed to the address listed on the petition.

The petition satisfies the requirements of 37 CFR 1.137(b), in that, petitioner has supplied (1) the reply in the form of an amendment; (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay. Therefore, the petition is **GRANTED**.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $1,020 extension of time fee submitted on February 13, 2007 was

subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

The application file is being referred to Technology Center Art Unit 1623, for further review of the amendment filed with the instant petition.

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

Andrea Smith
Petitions Examiner
Office of Petitions

cc: Peter Foiles
Invitrogen Corporation
1600 Faraday Avenue
Carlsbad, CA 92008

UNITED STATES PATENT AND TRADEMARK OFFICE

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APR 15 2004

Office of the Director
Group 3600

FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY VA 20153

In re Application of :
Dong June Kim :
Application No. 10/058,385 :
Filed: January 30, 2002 :
For: FAN APPARATUS FOR CHAMBER OF HANDLER :

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on applicant's petition to withdrawal the holding of abandonment filed on December 4, 2003.

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

☒ Postcard receipt being dated October 14, 2003.

☐ USPTO return facsimile receipt dated _____, which references the application by serial number and the amendment that was filed on that date.

☐ Certificate of Mailing/Transmission signed on _____. and supported by a statement under 37 C.F.R. 1.8(b)(3).

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

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

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

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

SNM/mjz: 4/6/04

STEVEN N. MEYERS
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 3600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20071002

DATE : October 2, 2007

TO SPE OF : ART UNIT 2837

SUBJECT : Request for Certificate of Correction on Patent No.: 6940252 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 - 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:

LINCOLN DONOVAN
SUPERVISORY PATENT EXAMINER

SPE: Lincoln Donovan **Art Unit** 2837

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/058,435	01/25/2002	2627	1124	PW 0277033 H7620US	7	8	4

CONFIRMATION NO. 4292

27496
PILLSBURY WINTHROP SHAW PITTMAN LLP
P.O BOX 10500
McLean, VA 22102

CORRECTED FILING RECEIPT

OC000000019397434

Date Mailed: 06/23/2006

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Atsushi Ogawa, Hamamatsu-shi, JAPAN;
Tomoaki Hirai, Iwata-shi, JAPAN;

Power of Attorney:

Paul Kokulis–16773
Raymond Lippitt–17519
G Knight Jr–17698
George Sirilla–18221
Kevin Joyce–20508
Jay Finkelstein–21082
George Edgell–24238
Donald Bird–25323
Peter Gowdey–25872
Richard Zaitlen–27248

Domestic Priority data as claimed by applicant

Foreign Applications

JAPAN 2001-19142 01/26/2001
If Required, Foreign Filing License Granted: 03/27/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/058,435

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

OPTICAL DISC RECORDER WITH RECORDING MODALITY SWITCHING FOR HIGH QUALITY RECORDING

Preliminary Class

369

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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United States Patent and Trademark Office
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NOVO NORDISK PHARMACEUTICALS, INC.
100 COLLEGE ROAD WEST
PRINCETON, NJ 08540

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SEP 2 1 2004

OFFICE OF PETITIONS

In re Application of	:	
Byskov et al.	:	
Application No. 10/058,436	:	ON PETITION
Filed: January 23, 2002	:	
Attorney Docket No. 4228.410-US	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 31, 2004, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the restriction requirement mailed on September 26, 2003, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on October 27, 2003. A Notice of Abandonment was mailed on April 26, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is now being referred to Technology Center 1600 for further examination on the merits.

Telephone inquiries should be directed to the undersigned at (703) 306-0482. Any telephone inquiries after September 28, 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

COPY

Docket No.: BBNT-P02-369
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent of: Robert J. Donaghey	Assignee: BBN Technologies Corp.
Patent No.: 7,307,999	Issued: December 11, 2007
Application No. 10/058,442	Confirmation No.: 5927
Filed: January 28, 2002	Art Unit: 2616
For: SYSTEMS AND METHODS THAT IDENTIFY NORMAL TRAFFIC DURING NETWORK ATTACKS	Examiner: R. W. Wilson

OK
to
enter
RWW
6/23/08

REQUEST UNDER 37 C.F.R. § 1.322(b)
FOR REPRINTING OF PATENT

Certificate
FEB 04 2008
of Correction

Certificate of Correction Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

It is noted that errors appear in this patent of a clerical nature, as more fully described below, due to a mistake by the Patent and Trademark Office.

The drawings included with the issued patent are incorrect. The correct drawings were filed with the above-referenced application on January 28, 2002. However due to a mistake by the Patent and Trademark Office, drawings for an unrelated patent application (Patent Application No. 10/059,442) were incorrectly placed in the application's image file wrapper on June 11, 2002. These unrelated drawings were then included with the issued patent.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/23/08

TO SPE OF : ART UNIT 2616

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/058442 Patent No.: 7307999

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

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Please review COCIN dated 2/1/08 drawings and ensure they match the originally submitted drawings filed 1/28/02 and determine if figure 6 is to be used on the title page.

Delora Dillard
Certificates of Correction Branch
703-308-9250 ext. 172

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: _____

JAY K. PATEL
SUPERVISORY PATENT EXAMINER

SPE

2619
Art Unit

22 DEC 2003

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COMMISSIONER FOR PATENT
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ALEXANDRIA, VA 22313-1450
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Dennis E. Stenzel
1600 ODS Tower
601 S.W. Second Avenue
Portland, Oregon 97204-3157

In re Application of	:	DECISION ON
KLOTZER	:	
Application No.: 10/058,443	:	PETITION
Filing Date: January 22, 2002	:	
Attorney's Docket No.: DES:3568.0076	:	UNDER 37 CFR 1.137(b)
For: EXPANDED POROUS THERMOPLASTIC POLYMER MEMBRANES AND DEVICE FOR THE PRODUCTION THEREOF	:	

This is in response to the petition under 37 CFR 1.137(b), filed September 22, 2003, to revive the above-identified application.

BACKGROUND

On 19 January 1999, applicant filed international application PCT/EP99/00286, which claimed priority of an earlier German application filed 29 January 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 August 1999. A Demand for international preliminary examination, in which the United States was elected, was filed 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 29 July 2000.

On 18 August 2000, applicant filed an application under 35 U.S.C. 111(a). the application was assigned U.S. application number 09/642,390. On 11 June 2001, the first sentence of the description was amend to read as follows: "Pursuant to 35 USC §§ 365(b) and 119, the priority of PCT/EP99/00286 filed 19 January 1999 and German application DE 198 03 362.1 filed 29 January 1998 is claimed."

On 22 January 2002, applicant filed divisional application 10/058,443. A preliminary amendment was filed on the same date amending the first line of the specification as follows:

"This is a divisional of Application Serial No. 09/642,390 filed August 18, 2000. The priority of PCT/EP99/00286 filed January 19, 1999 and DE 198 03 362.1 filed January 29, 1998 is claimed pursuant to USC 35 §§120 and 365(b), respectively."

On 22 September 2003, applicant filed the present petition under 37 CFR 1.137(b) to revive the PCT application.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be filed without intentional delay from the time the applicant became abandoned and/or applicant first became aware of the abandoned status of the application. A petition under 37 CFR 1.137(b) must be accompanied by (1) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable was unintentional, (2) a proposed response, (3) the petition fee required by law (37 CFR 1.17(m)), and (4) by a terminal disclaimer and fee (if the international application was filed prior to June 8, 1995. The petition fee required by law is $1300. If applicant can qualify as a "small entity" and does so prior to or together with the payment of the fee, the fee will be one-half of the amount indicated. See 37 CFR 1.27.).

Applicant's petition satisfies items (1), (3) and (4). The petition fails to satisfied the requirement for a proper response because US application 09/642,390 does not claim benefit under 35 U.S.C. 120 to the PCT application. While a continuing application may be the proper response, in this instance applicant has not made and perfected a claim under 35 U.S.C. 120 to the international application. Applicant may overcome this deficiency by filing a petition and $130.00 petition fee under 35 U.S.C. 182 in application 09/642,390 to amend the first sentence to state "This application is a continuation of PCT/EP99/00286 filed January 19, 1999." The specific reference may also be made in an application data sheet.

Benefit claim in 10/058,443

The benefit claim in 10/058,443 is not sufficient because for a proper claim to be made, 35 U.S.C. 120 requires the relationship of the application to be set forth in the first line of the specification. Furthermore 37 CFR 1.78(a)(2) states in part:

"i) Except for a continued prosecution application filed under § 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 or be amended to contain a reference 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 and indicating the relationship of the

applications. Cross references to other related applications may be made when appropriate (see § 1.14).

(ii) This reference must be submitted during the pendency of the later-filed application. If the later-filed application is an application filed under 35 U.S.C. 111(a), this reference must also be submitted within the later of four months from the actual filing date of the later-filed application or sixteen months from the filing date of the prior-filed application. If the later-filed application is a nonprovisional application which entered the national stage from an international application after compliance with 35 U.S.C. 371, this reference must also be submitted within the later of four months from the date on which the national stage commenced under 35 U.S.C. 371 (b) or (f) in the later-filed international application or sixteen months from the filing date of the prior-filed application. These time periods are not extendable. Except as provided in paragraph (a)(3) of this section, the failure to timely submit the reference required by 35 U.S.C. 120 and paragraph (a)(2)(i) of this section is considered a waiver of any benefit under 35 U.S.C. 120, 121, or 365(c) to such prior-filed application. The time periods in this paragraph do not apply if the later-filed application is:

(A) An application for a design patent;

(B) An application filed under 35 U.S.C. 111 (a) before November 29, 2000; or

(C) A nonprovisional application which entered the national stage after compliance with 35 U.S.C. 371 from an international application filed under 35 U.S.C. 363 before November 29, 2000.

(iii) If the later-filed application is a nonprovisional application, the reference required by this paragraph must be included in an application data sheet (§1.76), or the specification must contain or be amended to contain such reference in the first sentence following the title.

(iv) The request for a continued prosecution application under § 1.53(d) is the specific reference required by 35 U.S.C. 120 to the prior-filed application. The identification of an application by application number under this section is the identification of every application assigned that application number necessary for a specific reference required by 35 U.S.C. 120 to every such application assigned that application number.

(3) If the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section is presented in a nonprovisional application after the time period provided by paragraph (a)(2)(ii) of this section, the claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America may be accepted if the reference identifying the prior-filed application by application number or international application number and international filing date was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

(i) The reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section to the prior-filed application, unless previously submitted;

(ii) The surcharge set forth in § 1.17(t); and (iii) A statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section 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."

While applicant has properly made the reference to parent application 09/642,390, applicant has failed to make the specific reference to the PCT application in this application. Therefore if applicant wishes to claim benefit of this PCT application in application 10/058,443, applicant must file a petition and petition fee of $1330.00 in 10/058, 443 under 37 CFR 1.78(a)(3) and amend the specification as follows. "This application is a divisional of Application Serial No. 09/642,390 filed August 18, 2000, which is a continuation of PCT/EP99/00286 filed January 19, 1999." The specific reference may also be made in an application data sheet. Applicant is also reminded that, if an amendment to the specification, or an application data sheet (ADS), is submitted in an application under final rejection, the amendment or ADS must be in compliance with 37 CFR 1.116. The amendment or ADS filed in an application under final rejection will not be entered as a matter of right. See MPEP 714.12 and 714.13. Therefore, applicant should consider filing a request for continued examination (RCE) (including fee and submission) under 37 CFR 1.114 with the petition to accept an unintentionally delayed benefit claim, the surcharge, and an amendment that adds the proper reference to the first sentence of the specification or an ADS.

A copy of this decision will be placed in 09/642,390

CONCLUSION

The petition under 37 CFR 1.137(b) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required for the filing of a renewed petition under 37 CFR 1.137(b). Extensions of time may be obtained under 37 CFR 1.136(a).

Applicant should file a petition and fee in application number 09/642,390 under 37 CFR 1.182 to make a claim under 35 U.S.C. 120 to the international application and a renewed petition under 37 CFR 1.137(b) to revive the international application for copendincey with application 09/642,390.

Applicant should file a petition and $1330.00 petiton fee in application number 10/058,443 under 37 CFR 1.78(a)(3) to make a claim under 35 U.S.C. 120 to the international application.

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450, with the contents of the letter marked to the attention of the PCT Legal Office.

Leonard E. Smith
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration

Telephone: (703) 308-6461
Facsimile: (703) 308-6459

Image

09 MAR 2004

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

Dennis E. Stenzel
1600 ODS Tower
601 S.W. Second Avenue
Portland, Oregon 97204-3157

In re Application of	:	DECISION ON
KLOTZER	:	
Application No.: 10/058,443	:	PETITION
Filing Date: January 22, 2002	:	
Attorney's Docket No.: DES:3568.0076	:	UNDER 37 CFR 1.78(a)(3)
For: EXPANDED POROUS THERMOPLASTIC POLYMER MEMBRANES AND DEVICE FOR THE PRODUCTION THEREOF	:	

This is in response to the petition under 37 CFR 1.78(a)(3), filed January 20, 2004, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of a prior-filed application.

BACKGROUND

On 19 January 1999, applicant filed international application PCT/EP99/00286, which claimed priority of an earlier German application filed 29 January 1998. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 05 August 1999. A Demand for international preliminary examination, in which the United States was elected, was filed 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 29 July 2000.

On 18 August 2000, applicant filed an application under 35 U.S.C. 111(a). the application was assigned U.S. application number 09/642,390. On 11 June 2001, the first sentence of the description was amend to read as follows: "Pursuant to 35 USC §§ 365(b) and 119, the priority of PCT/EP99/00286 filed 19 January 1999 and German application DE 198 03 362.1 filed 29 January 1998 is claimed."

On 22 January 2002, applicant filed divisional application 10/058,443. A preliminary amendment was filed on the same date amending the first line of the specification as follows: "This is a divisional of Application Serial No. 09/642,390 filed August 18, 2000. The priority of PCT/EP99/00286 filed January 19, 1999 and DE 198 03 362.1 filed January 29, 1998 is claimed pursuant to USC 35 §§120 and 365(b), respectively."

On 22 September 2003, applicant filed a petition under 37 CFR 1.137(b) to revive the international application PCT/EP99/00286.

On 22 December 2003, the peition was dismissed in a decision requiring the filing of (1) a petition and $130.00 petition fee under 35 U.S.C. 182 in application 09/642,390 to amend the first sentence to state "This application is a continuation of PCT/EP99/00286 filed January 19, 1999" and (2) a petition and petition fee of $1330.00 in 10/058,443 under 37 CFR 1.78(a)(3) and amend the specification as follows: "This application is a divisional of Application Serial No. 09/642,390 filed August 18, 2000, which is a continuation of PCT/EP99/00286 filed January 19, 1999."

On 20 January 2004, applicant filed this petition under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of a prior-filed application.

DISCUSSION

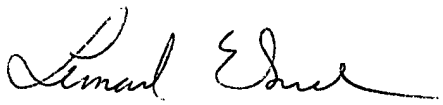
Applicant's petitions under 37 CFR 1.182 to amend the first sentence of US application 09/642,390 to state "This application is a continuation of PCT/EP99/00286 filed January 19, 1999" and to revive the international application PCT/EP99/00286 have been granted.

Applicant's petition and $1330.00 petiton fee in application number 10/058,443 under 37 CFR 1.78(a)(3) to make a claim under 35 U.S.C. 120 to the international application mets the requirements set forth in 37 CFR 1.78(a)(3). Applicant has amended the first sentence of this application as follows: "'This application is a divisional of application Serial No. 09/642,930 filed August 18, 2000, which is a continuation of PCT/EP99/00286 filed January 19, 1999." Applicant has filed the petition fee of $1330 required by 37 CFR 1 .17(t) and has made the statement that the entire delay between the date the priority claim was due and the date the claim was filed was unintentional.

CONCLUSION

The petition under 37 CFR 1.78(a)(3) is GRANTED.

The Technology Center will be notified of this decision.



Leonard E. Smith
PCT Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration

Telephone: (703) 308-6461 Facsimile: (703) 308-6459

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Paper No. 13

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 8910
RESTON, VA 20195

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MAR 0 5 2004

OFFICE OF PETITIONS

In re Application of
Falk et al.
Application No. 10/058,454
Filed: January 28, 2002
Attorney Docket No. 40770-000127/US

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 17, 2004, to revive the above-identified application.

The petition is **granted.**

This application became abandoned for failure to timely reply within three months to the non-final Office action mailed March 13, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on June 14, 2003. A Notice of Abandonment was mailed on October 21, 2003.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The file is now being forwarded to Technology Center 2800 for further examination on the merits.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Commissioner for Patents
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900 RIDGEBURY ROAD
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RIDGEFIELD, CT 06877-0368

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JAN 13 2005

OFFICE OF PETITIONS

In re Application of	:	
Pascale Pouzet et al	:	
Application No. 10/058,456	:	ON PETITION
Filed: January 28, 2002	:	
Attorney Docket No. 1/1168	:	

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

The petition is **GRANTED**.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application number 11/006,375.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 05/06/06

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction for Appl. No.: **10/058466** Patent No **7018807**

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**.

M. Green

Certificates of Correction Branch

703-308-9390 ext. 183

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: _____

BRUCE R. CAMPELL, PH.D
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600

Bruce Campell — **SPE**

1648 — **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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MAIL

APR 11 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Paper No. 6

Fish & Richardson P.C.
500 Arguello Street, Suite 500
Redwood City, California 94063

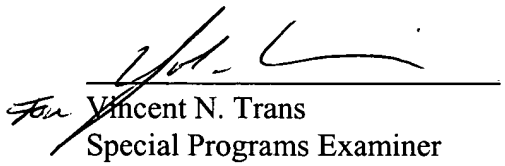
In re Application of: Noam Livnat, et al.)
Application No. 10/058,494)
Filed: January 24, 2002) **DECISION ON REQUEST FOR**
For: INSTALLING COMMUNICATION) **WITHDRAWAL AS ATTORNEY**
PROTOCOL IN A HANDHELD)
DEVICE)

This is a decision on the Request To Withdraw from Representation filed March 26, 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

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)
6,574,120	2003-06-03	10058502	2002-01-30	3092-268

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	/Bruce H. Troxell/	Date (YYYY-MM-DD)	2008-08-02
Name	Bruce H. Troxell	Registration Number	26592

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. 6574120
Issue Date: June 3,2003
Application No. 10058502
Filed: January 30,2002
Attorney Docket No. BHT-3092-268

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

This is a decision on the electronic petition, filed August 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 August 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
DIW 08-02

ARTHUR G. YEAGER, P.A.
SUITE 1305
112 WEST ADAMS STREET
JACKSONVILLE FL 32202-3853

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AUG 0 9 2002

OFFICE OF PETITIONS

In re Application of	:	
Rogers et al.	:	
Application No. 10/058,564	:	DECISION DISMISSING REQUEST
Filed: 28 January, 2002	:	
Attorney Docket No. D-7227A	:	

In re Application of	:	
Rogers et al.	:	
Application No. 10/058,746	:	
Filed: 30 January, 2002	:	
Attorney Docket No. D-7727A	:	

This is a decision on the request for refund received 22 February, 2002, requesting that the $780 fees ($740 basic filing fee and $40 assignment recording fee) submitted with the application assigned Application No. 10/058,564 be refunded.

The application was purportedly deposited with the U.S. Postal Service on 17 December, 2001, but was received in the U.S. Patent and Trademark Office (USPTO or Office) on, and accorded a filing date of, 30 January, 2002, and assigned Application No. 10/058,746. Applicants state that "[t]he first sent application was delayed due to the irradiation problem of the mail and applicants needed to have the application filed prior to the time that the first sent application was actually received and given Serial No. and filing date of 10/058746, 01/30/02." Applicants subsequently sent a new application by USPS Express Mail on 28 January, 2002, which was assigned Application No. 10/058,564 and accorded a filing date of 28 January, 2002.

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It is noted that there was no indication in the application papers filed on 28 January, 2002, and assigned Application No. 10/058,564, that the application was a duplicate of a previously submitted application.[1]

The fact that applicant has filed duplicate or substantially duplicate applications does not entitle applicant to a refund of the filing fee. The application papers filed on 28 January, 2002, as Application No. 10/058,564, are entitled to a filing date of 28 January, 2002, and the filing fee paid in application No. 10/058,564 is the fee required by law. Similarly, the application papers filed on 30 January, 2002, as Application No. 10/058,746, are entitled to a filing date of 30 January, 2002, and the filing fee paid in Application No. 10/058,746 is the fee required by law. Additionally, as the assignment recordation fee was not paid by mistake or in excess of that required, applicant is not entitled to a refund thereof.

37 CFR 1.26(a) reads:

> (a) The Commissioner may refund any fee paid by mistake or in excess of that required. **A change of purpose after the payment of a fee, such as when a party desires to withdraw a patent or trademark filing for which the fee was paid, including an application, an appeal, or a request for an oral hearing, will not entitle a party to a refund of such fee.** The Office will not refund amounts of twenty-five dollars or less unless a refund is specifically requested, and will not notify the payor of such amounts. If a party paying a fee or requesting a refund does not provide the banking information necessary for making refunds by electronic funds transfer (31 U.S.C. 3332 and 31 CFR part 208), or instruct the Office that refunds are to be credited to a deposit account, the Commissioner may require such information, or use the banking information on the payment instrument to make a refund. Any refund of a fee paid by credit card will be by a credit to the credit card account to which the fee was charged. (Emphasis added).

Section 607.02 of the Manual of Patent Examining Procedure, Eighth Edition (August 2001) reads, in part, as follows:

[1]It is noted that the cover sheet received with Application No. 10/058,564 was hand-notated "resubmitted [check] # 14702 $780.00." It is not apparent from this notation by itself, however, that the application is a duplicate.

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> Under 35 U.S.C. 42(d) and 37 CFR 1.26, the Office may refund: (1) a fee paid by mistake (e.g., fee paid when no fee is required); or (2) any fee paid in excess of the amount of fee that is required. See *Ex parte Grady*, 59 USPQ 276, 277 (Comm'r Pat. 1943) (the statutory authorization for the refund of fees under the "by mistake" clause is applicable only to a mistake relating to the fee payment). **When an applicant or patentee takes an action "by mistake" (e.g., files an application or maintains a patent in force "by mistake"), the submission of fees required to take that action (e.g., a filing fee submitted with such application or a maintenance fee submitted for such patent) is not a "fee paid by mistake" within the meaning of 35 U.S.C. 42(d).** 37 CFR 1.26(a) also provides that a change of purpose after the payment of a fee, as when a party desires to withdraw the filing of a patent application for which the fee was paid, will not entitle the party to a refund of such fee. (Emphasis added and error corrected).

Accordingly, the request is dismissed.

In reference to Application No. 10/058,746 applicants request that the application "be canceled in its entirety." This statement will not be treated as a request to expressly abandon Application No. 10/058,746. If applicant wants to abandon an application, he should file a letter of express abandonment in compliance with 37 CFR 1.138 in the application he wishes to abandon. The letter of express abandonment must be signed by the applicant.

Application No. 10/058,564 is being forwarded to Technology Center 3700 for examination in due course.

Application No. 10/058,746 is being forwarded to Technology Center 3700 for examination in due course.

Telephone inquiries specific to this matter should be directed to the undersigned at (703)308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,567	01/28/2002	Narendra S. Khandekar	42390P12356	4304

8791 7590 05/07/2004

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD, SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER	
NGUYEN, VIET Q	
ART UNIT	**PAPER NUMBER**
2818	

DATE MAILED: 05/07/2004

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

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

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/058,567			

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.

- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____ , but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
  (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____ , but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.

☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of $_____ is insufficient. A balance of $ _____ is due.
  The issue fee by 37 CFR 1.18 is $_____ . The publication fee, if required, by 37 CFR 1.18(d) is $_____.
- ☒ The issue fee and publication fee, if applicable, have not been received.

☐ Applicant's failure to timely file corrrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).

- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.

☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.

☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

LEP

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SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

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AUG 0 2 2004

OFFICE OF PETITIONS

In re Application of :
Narendra S. Khandekar et al :
Application No. 10/058,567 : ON PETITION
Filed: January 28, 2002 :
Attorney Docket No. 42390P12356 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 14, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to submit the issue fee/publication fee in a timely manner in reply to the Notice of Allowance mailed October 16, 2003, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on January 17, 2004.

37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. If the statement contained in the instant petition varies from the language required by 37 CFR 1.137(b)(3), the statement contained in the instant petition is being construed as the statement required by 37 CFR 1.137(b)(3) and petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

This matter is being referred to Publishing Division.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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. 5

Mailed OCT - 1 2002

In re Application of
Susan Flappan
Serial Number: 10/058,595
Filed: January 28, 2002
For: MOLD DETECTION KIT

DECISION ON
PETITION UNDER
M.P.E.P. 708.02, II

This is a decision on the Petition to Make Special because of Actual Infringement (37 C.F.R. 1.102 and MPEP 708.02) filed July 15, 2002, along with the requisite fee (paid), in the above-noted application. The petition with accompanying statement, meet the requirements of Section 708.02 (II) of the MPEP.

If the examiner finds any interfering application for the same subject matter, the examiner should consider such application simultaneously with this case and should state in the official letter of such application that the examiner is taking it out of its turn because of a possible interference.

Should an appeal be taken in this case or should this case become involved in an interference, consideration of the appeal and the interference will be expedited by Patent and Trademark Office Officials concerned, contingent likewise upon diligent prosecution by applicant.

After allowance, this case will be given priority for printing. See MPEP 1309.

The petition is GRANTED.

Richard V. Fisher

Richard V. Fisher, Director
Technology Center 1700
Chemical and Materials Engineering

Michael Yakimo, Jr.
Chase Law Firm, L.C.
4400 College Boulevard, Suite130
Overland Park, KS 66211

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EDWARD K. RUNYAN
MCDONNELL BOEHNEN HULBERT & BERGHOFF
32ND FLOOR
300 S. WACKER DRIVE
CHICAGO IL 60606

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JUN 0 8 2005

OFFICE OF PETITIONS

In re Application of :
Brian T. Cunningham et al :
Application No. 10/058,626 : ON PETITION
Filed: January 28, 2002 :
Attorney Docket No. 00-1123-H :

This is a decision on the petition, filed June 7, 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 May 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 the undersigned at (571) 272-3208.

The examiner of Technology Center AU 1641 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. _____

Date : June 9, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Brian T. Cunningham et al
Application No. :10/058,626
Filed :January 28, 2002

The above-identified application has been assigned Patent No. 6,911,304 and an issue date of June 28, 2005.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of June 28, 2005:

"All reference to Patent No. 6,911,304 to Brian T. Cunningham et al of Massachusetts for OPTICAL DETECTION OF LABEL-FREE BIOMOLECULAR INTERACTIONS USING MICROREPLICATED PLASTIC SENSOR ELEMENTS appearing in the Official Gazette of June 28, 2005 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03, (FAX-273-5468
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038)
Duane Davis P/OPC MDE-7D89
Tamara Greene, ST-8C13

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:72105

DATE : July 21, 2005

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction on Patent No.: 6,903,841

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: Edward L. Coles **Art Unit** 2622

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P.O. BOX 10395
CHICAGO, IL 60610

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OFFICE OF PETITIONS

In re Application of	:	
Cole et al.	:	
Application No. 10/058,632	:	ON PETITION
Filed: January 28, 2002	:	
Attorney Docket No. 659/1211	:	

This is a decision on the petition under 37 CFR §§ 1.78(a)(3), filed April 5, 2004, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 for the benefit of prior-filed nonprovisional application no. 09/564,939, filed May 4, 2000, set forth in the concurrently filed amendment.

The petition is **DISMISSED AS MOOT**.

A petition under 37 CFR §§ 1.78(a)(3) is only applicable to those applications filed on or after November 29, 2000.

Along with the instant petition under 37 CFR §§ 1.78(a)(3), petitioner has submitted an amendment to the first sentence of the specification following the title to include a reference to the above-noted prior-filed application.

The instant pending nonprovisional application was filed on January 28, 2002, and was pending at the time of filing of the instant petition. While a reference to the prior-filed application was not included in the ADS or in the first sentence of the specification following the title, reference nevertheless was made in the transmittal letter filed with the above-identified application.

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 the 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 applications in the transmittal letter filed with the application, as shown by their inclusion on the filing receipt.

[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.

In view of the above, the $1330.00 petition fee submitted is unnecessary and will be credited to petitioner's deposit account as authorized.

Any questions concerning this decision on petition may be directed to Paralegal Liana Chase at (703) 306-0482. Any telephone inquiries after approximately **September 24, 2004** should be directed to (571) 272-3282. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This matter is being referred to the Examiner of Technology Center AU 1616 for appropriate action on the amendment filed April 5, 2004, including consideration of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for benefit of the prior-filed applications.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CHOATE, HILL & STEWART, LLP
SLOAN-KETTERING INSTITUTE
FOR CANCER RESEARCH
TWO INTERNATIONAL PLACE
BOSTON MA 02110

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In re Patent No. 6,828,340 :
Issue Date: December 7, 2004 :
Application No. 10/058,695 : NOTICE
Filed: January 28, 2002 :
Attorney Docket No. 2003080-0089 (SK-744-CON5) :

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 **NOT ACCEPTED**.

The fee deficiency cannot be accepted because no itemization has been submitted, as required by 37 CFR 1.28(C) (ii) which states:

(2) Payment of deficiency owed. The deficiency owed, resulting from the previous erroneous payment of small entity fees, must be paid.

(ii) *Itemization of the deficiency payment.* An itemization of the total deficiency payment is required. The itemization must include the following information:

(A) Each particular type of fee that was erroneously paid as a small entity, (e.g., basic statutory filing fee, two-month extension of time fee) along with the current fee amount for non-small entity;

(B) The small entity fee actually paid, and when. This will permit the Office to differentiate, for example, between two one-month extension of time fees erroneously paid as a small entity but on different dates;

(C) The deficiency owed amount (for each fee erroneously paid); and

(D) The total deficiency payment owed, which is the sum or total of the individual deficiency owed amounts set forth in paragraph (c)(2)(ii)(C) of this section.

The submission filed December 8, 2009, does not include a proper itemization as indicated above.

This itemization must be provided within one (1) month of the mail date of this decision to avoid the return of the deficiency payment. See 37 CFR 1.28 (c)(3). No extension of this 1-month time limit will be granted under 37 CFR 1.136(a).

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

/Thurman K. Page/

Thurman K. Page
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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William L. Botjer
PO Box 478
Center Moriches NY 11934

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OFFICE OF PETITIONS
ON PETITION

In re Patent No. 6,827,921 :
Issue Date: December 7, 2004 :
Application No. 10/058,715 :
Filed: January 28, 2002 :
Attorney Docket No. 02-02 :

This is a decision on the petition under 37 CFR 1.378(c), filed February 10, 2009, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on December 8, 2008 for failure to pay the 3.5 year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

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Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI OH 45224

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OFFICE OF PETITIONS

In re Application of
Yousef Georges Aouad et al.
Application No. 10/058,717
Filed: January 28, 2002
Attorney Docket No. 8296R2

ON PETITION

This is a decision on the petition filed October 15, 2004 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

This application became abandoned August 12, 2004 for failure to timely pay the issue fee on or before August 11, 2004. Accordingly, a Notice of Abandonment was mailed September 24, 2004.

The issue fee in the amount of $1370[2], petition fee in the amount of $1370, publication fee in the amount of $300 and cost for 2 advance copies in the amount of $6, in accordance with 37 CFR 1.18, has been charged to deposit account no. 16-2480. All other requirements of 37 CFR 1.137(b) having now been met, this application file is being forwarded to the Publishing Division to be processed into a patent.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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

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

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

[2]Effective October 1, 2004 the issue fee was increased to $1370 from $1330.

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P.O. Box 1450
Alexandria, VA 22313-1450
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LEE & HAYES PLLC
421 W. RIVERSIDE AVENUE, SUITE 500
SPOKANE, WA 99201

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OFFICE OF PETITIONS

In re Application of	:	
Thomas W. Rehkopf	:	
Application No. 10/058,721	:	DECISION GRANTING PETITION
Filed: January 28, 2002	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. BELL-0159/00064	:	

This is a decision on the petition, filed December 9, 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 September 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 2687 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).*

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Paper No. 4

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY CA 94704-0778

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OFFICE OF PETITIONS

In re Application of
Yong Lu et al.
Application No. 10/058,722
Filed: January 28, 2002
Attorney Docket No. CISCP251/4378
Title: APPARATUS AND METHODS FOR RESTORING TRAFFIC DURING FAILOVER IN A CABLE HEAD END

DECISION ON PETITION

This is a decision on the petition filed on August 22, 2003, pursuant to 37 C.F.R. §1.137(f), to revive the above-identified application.

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

(1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication[1];
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
(3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

On August 22, 2003, the instant petition was filed with the Office. Petitioner states that the instant nonprovisional application is the subject of an application filed in either a foreign country or under a multinational agreement. Unfortunately, notification of the filing of the foreign or international application did not accompany this filing.

1 See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at http://www.uspto.gov/web/forms/index.html.

As such, petitioner has not met the first requirement above.

On September 29, 2003, the undersigned contacted the petitioner in an attempt to have the notification sent via facsimile transmission, but the petitioner's voice mail indicated that he would be out of town for the week. Obviously, as of the mail date of this decision, the required date has not been supplied.

In view of the foregoing, this 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 must submit the date which the foreign or international application was filed.

The reply to this letter may be submitted by mail[2], hand-delivery[3], or facsimile[4].

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

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

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

2 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.

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

4 (703) 308-6916, Attn: Office of Petitions.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. 6

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY CA 94704-0778

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OFFICE OF PETITIONS

In re Application of
Yong Lu et al.
Application No. 10/058,722
Filed: January 28, 2002
Attorney Docket No. CISCP251/4378
Title: APPARATUS AND METHODS FOR RESTORING TRAFFIC DURING FAILOVER IN A CABLE HEAD END

DECISION ON RENEWED PETITION

This is a decision on the renewed petition filed on November 3, 2003, pursuant to 37 C.F.R. §1.137(f), to revive the above-identified application.

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

(1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication[1];
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
(3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The original petition was filed on August 22, 2003, and was dismissed via the mailing of a decision on September 30, 2003, for failure to include notification of the filing of the foreign or international application.

1 See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at http://www.uspto.gov/web/forms/index.html.

With the renewed petition, Petitioner states that the instant nonprovisional application is the subject of an application filed in a foreign application on January 24, 2003. However, the United States 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. §1.22(b)(2)(B)(iii) and 37 C.F.R. §1.213(c) for failure to timely notify the Office of the filing of a foreign application.

The renewed petition under 37 C.F.R. §1.137(f) is **GRANTED**.

Petitioner has submitted the notification of a foreign filing, paid the petition fee, and has made the proper statement of unintentional delay.

The instant petition has been found to be in compliance with 37 C.F.R. §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 C.F.R. §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), filed with the original application papers, has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of February 19, 2004 accompanies this decision on petition.

After this decision is mailed, the application will be forwarded to Technology Center 2600 for further processing.

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

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

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PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR, NY 10510

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OFFICE OF PETITIONS

In re Application of :
Antonio Colmenarez, et al. :
Application No. 10/058,730 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. US010668 (020024) (3493-0 :

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed December 12, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before September 13, 2006. A Notice of Abandonment was mailed on October 30, 2006. On December 12, 2006, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the requisite issue/publication fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Publications to be processed into a patent.

Telephone inquires related to this decision should be directed to the undersigned at (571) 272-3204. Telephone inquiries related to processing at Publishing Division should be directed to (571) 272-4200.

Sherry D. Brinkley
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
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WENDEROTH, LIND & PONACK L.L.P.
1030 15th Street, N.W.
Suite 400 East
Washington, DC 20005-1503

Mail Date: 04/20/2010

Applicant	: Hirohisa Imai	: DECISION ON REQUEST FOR
Patent Number	: 7603282	: RECALCULATION of PATENT
Issue Date	: 10/13/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/058,732	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1229** 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.

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Frank Pietrantonio
COOLEY GODWARD LLP
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11951 Freedom Drive
Suite 1700
ONE FREEDOM SQUARE-RESTON
TOWN CENTER
Reston, VA 20190-5061

MAILED

APR 2 6 2005

Technology Center 2100

In re Application of:
Joel Balissat
Application No. 10/058,733
Filed: January 30, 2002
For: NETWORK SERVICE FOR
ADAPTIVE MOBILE APPLICATION

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed October 18, 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**.

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.

Michelle R. Eason

Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security
571-272-3613

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)
6,574,341	2003-06-03	10058756	2002-01-30	3092-266

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	/Bruce H. Troxell/	Date (YYYY-MM-DD)	2008-08-23
Name	Bruce H. Troxell	Registration Number	26592

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. 6574341
Issue Date: June 3,2003
Application No. 10058756
Filed: January 30,2002
Attorney Docket No. BHT-3092-266

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

This is a decision on the electronic petition, filed August 23,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 23,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No.

CONNOLLY BOVE LODGE & HUTZ LLP
P.O. BOX 2207
WILMINGTON DE 19899

COPY MAILED
JUN 21 2006
OFFICE OF PETITIONS

In re Application of :
Pope et al. : DECISION ON PETITION
Application No. 10/058,808 :
Filed: January 28, 2002 :
Title: PRECERAMIC POLYMERS TO :
HAFNIUM CARBIDE AND HAFNIUM :
NITRIDE CERAMIC FIBERS AND :
MATRICES :

This is in response to the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed March 17, 2006, which for the reasons set forth herein is being treated as a petition to withdraw the holding of abandonment pursuant to 37 CFR 1.181.

The petition under § 1.181 is **GRANTED**.

On March 8, 2006, the Office mailed a Notice of Abandonment in the above-identified application. The application became abandoned for failure to file a timely and proper reply to the final Office action mailed September 27, 2004. 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 considered timely filed and no extension of time considered obtained, the application became abandoned effective December 28, 2004.

Applicants replied with the instant petition, asserting that the entire delay in filing the reply was unintentional and submitting an amendment and response.

However, a review of the application history reveals that on January 31, 2005, applicants filed a Notice of Appeal (with a certificate of mailing dated January 27, 2005), made timely by an accompanying petition and extension of time for response within the first month. Further, on May 9, 2005 (certificate of mailing dated May 2, 2005), applicants submitted an appeal brief, made timely by an accompanying petition and fee for extension of time within the first month. It is noted that Saturday, April 30, 2005 was a non-business day, the response was timely with the certificate of mailing dated Monday, May 2, 2005.

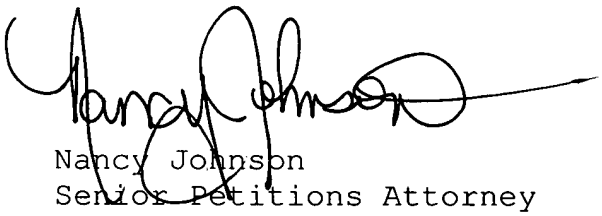
In view thereof, the application is not in fact abandoned. The Notice of Abandonment mailed March 8, 2006 is hereby **vacated**, and the holding of abandonment is **withdrawn**.

No fee is required on petition under § 1.181.

As consideration of the petition under § 1.137(b) is unnecessary, the petition fee is being refunded to Deposit Account No. 50-3683 as authorized.

Technology Center AU 1712 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical staff to withdraw the holding of abandonment, and for forwarding to the examiner for consideration of the Appeal Brief filed May 9, 2005.

Telephone inquiries specific to this matter should be directed to the undersigned at (571) 272-3219.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : Oct. 13, 2005

TO SPE OF : ART UNIT 2854 (*Exr. is Daniel Colilla*)

SUBJECT : Request for Certificate of Correction on Patent No.: 6,857,803

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

Please complete this form and return with file, within 7 days to:

Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**

If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**

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

Please see the claim and drawing changes. Your denial or approval decision is needed below.

sp

Thank You For Your Assistance

Certificates of Correction Branch

Tel. No. 703-308-9390 x120

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

Note your decision on the appropriate box.

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

Comments:

ANDREW H. HIRSHFELD
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2800

2854
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,815	01/28/2002	Hirotoshi Terao	9281-4269	2461

757 7590 03/09/2006

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER	
FEGGINS, KRISTAL J	

ART UNIT	PAPER NUMBER
2861	

DATE MAILED: 03/09/2006

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

BRINKS HOFER GILSON & LIONE
PO BOX 10395
CHICAGO, IL 60610

Paper No. 20060113

Appl No.: 10/058,815
Applicant: Shirakawa et al
Filed: 1/28/02

DECISION ON PETITION UNDER *37 CFR 1.148b* **on Correction of Inventorship**

This is a decision on the "Petition under 37 CFR 1.48b" filed April 19th, 2004 to remove the following inventors: Takashi SHIRAKAWA and Satoru SASAKI.

The petition is GRANTED.

The inventive entity is therefore: Hirotoshi TERAO.

The application is being forwarded to the publications for further action.

Stephen D. Meier
Supervisory Patent Examiner,
Art Unit 2853

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

COPY MAILED

MAR 24 2006

OFFICE OF PETITIONS

In re Application of	:	
Richardson et al.	:	
Application No. 10/058,835	:	ON PETITION
Filed: January 30, 2002	:	
Attorney Docket No. UMICH-0011	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 3, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an RCE with the requisite Reply; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to Technology Center 1600 for 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
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MAR 3 1 2006

MILLEN, WHITE, ZELANO & BRANIGAN, P.C.
2200 CLARENDON BLVD.
SUITE 1400
ARLINGTON VA 22201

In re Application of
Richardson et al.
Serial No.: 10/058,835
Filed: January 30, 2002
Attorney Docket No.: UMICH-11

Decision on Petition

This letter is in response to the Petition under 37 C.F.R. 1.181, filed on September 29, 2005, to request the supervisory authority of the Commissioner in a matter involving an *ex parte* restriction requirement. The delay in responding to this petition is regretted.

BACKGROUND

Review of the file history shows that the application was filed January 30, 2002 under 35 U.S.C. 111(a). The application as filed contained 31 claims. On June 2, 2004 the examiner mailed a restriction requirement dividing the claims into 12 groups. On June 21, 2004 applicants filed a response in which they elected Group I. Applicants traversed the restriction requirement, arguing that the 12 groups represent species of a single generic invention. Applicants also argued that the inventions are not "unrelated" as stated by the examiner. On August 12, 2004 the examiner mailed a first Office action on the merits, in which the restriction requirement was made final. The examiner reasoned that the groups as claimed were patentably distinct because different substances are administered. On February 10, 2005 applicants filed a response canceling the claims drawn to groups 11 and 12, and repeating their traverse of the restriction requirement with regard to the other 10 groups, on essentially the same grounds as presented in the instant petition. In a final rejection mailed on May 17, 2005 the examiner maintained the restriction requirement without further comment. On March 3, 2006 (after filing the petition) applicants filed a response canceling all the claims and adding a new set of claims with a somewhat narrower scope.

DISCUSSION

Applicants argue that the inventions as set forth by the examiner are not "unrelated." This is correct; the inventions are clearly related. Related inventions are distinct if the inventions as claimed do not overlap in scope, i.e., are mutually exclusive; the inventions as claimed are not obvious variants; and the inventions as claimed are either not capable of use together or can have a materially different design, mode of operation, function, or effect. See MPEP § 806.05(j). When analyzed by this standard, it is clear that the examiner made more than one error in the restriction requirement. In the Office action of August 12, 2004, the examiner correctly argues that methods requiring administration of peptides, nucleic acids and "small molecules" are patentably distinct, i.e. not obvious variants, due to their differing design and modes of operation. However, group II is drawn to administration of a peptide while group I is drawn to administration of TNF-α, which is a peptide itself. Thus, groups I and II overlap in scope and are not patentably distinct. Moreover, while groups I-IV recite fat as the target tissue with different agents being administered, groups V-X each recite a different target tissue without regard for the type of agent being administered. Is the examiner's position that methods requiring administration of different agents are patentably distinct only if fat is the target tissue? There does not seem to be any basis for this position.

Applicants argue that election of species practice should have been applied. This argument is persuasive, though applicants ignore the fact that there are several variables in play: the target tissue, the agent to be administered, and the formulation of the controlled release carrier. A reasonable election of species would have required applicants to elect a single target tissue, a single agent to be administered and a single carrier formulation.

It is pointed out that the new claims submitted by applicants are limited to a single target tissue- fat, but still contain a confusing Markush group of overlapping species of agents to be administered and another Markush group of carrier formulations.

DECISION

Applicants' petition is **GRANTED** to the extent that the original restriction requirement is vacated. The examiner is instructed to either examine the claims in their entirety or to require election of species in accordance with the guidance in the MPEP (restriction being at the discretion of the examiner).

The application will be forwarded to the examiner to take appropriate action as a result of this petition.

Should there be any questions regarding this decision, please contact Special Program Examiner Marianne Seidel, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-872-9306.

George C. Elliott

George Elliott
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

#6

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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JUL 30 2002

Office of the Director
Group 3600

Law Offices of Clement Cheng
7700 Irvine Center Drive
Suite 710
Irvine, CA 92619

In re application of
Richard Taylor
Application No. 10/058,884
Filed: January 28, 2002
For: STOCKHOLDER BONUS AND PARTICIPATION SYSTEM

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on May 15, 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. For approval of such a request the following conditions must 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) 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);
C) 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;
D) The applicant or patent owner must have been notified of the withdrawal as provided for in 37 CFR 1.36.

The request to withdraw as attorney is not accepted in the above-identified application because the request lacks conditions C) and D) above.

In summary, the request is **NOT APPROVED**.

Steven N. Meyers, Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868
Facsimile No.: (703) 605-0586

SM/SM; 7/23/02

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ST. ONGE STEWARD JOHNSTON & REENS
986 BEDFORD STREET
STAMFORD, CT 06905-5619

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SEP 2 4 2003

OFFICE OF PETITIONS

In re Application of :
Georg Lohr et al :
Application No. 10/058,889 : ON PETITION
Filed: January 28, 2002 :
Attorney Docket No. 03475-P0011A :

This is a decision on the petition under 37 CFR 1.137(b), filed August 15, 2003, to revive the above-identified application.

The petition is **DISMISSED.**

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)." No additional fee is required with any renewed petition. Petitioner is advised that this is **not** a final agency action decision.

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed January 2, 2003, which set a shortened statutory period for reply of three (3) months. A reply under 37 CFR 1.113 is limited to an amendment that *prima facie* places the application in condition for allowance or a Notice of Appeal (and appeal fee required by 37 CFR 1.17(b)). Since the amendment submitted does not *prima facie* placing the application in condition for allowance, no Notice of Appeal (and appeal fee) was timely filed, and no extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on April 3, 2003.

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute, but must be the payment of the issue fee or any outstanding balance thereof in an application or

patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)). This petition lacks item (3) above.

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

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

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

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

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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ST. ONGE STEWARD JOHNSTON & REENS
986 BEDFORD STREET
STAMFORD, CT 06905-5619

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OCT 0 9 2003

OFFICE OF PETITIONS

In re Application of	:	
Georg Lohr et al	:	
Application No. 10/058,889	:	ON PETITION
Filed: January 28, 2002	:	
Attorney Docket No. 03475-P0011A	:	

This is a decision on the petition under 37 CFR 1.137(b), filed via fax on October 7, 2003, which is being treated as a renewed petition under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 305-9282.

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
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JONATHAN P. OSHA
ROSENTHAL & OSHA LLP
1221 MCKINNEY AVENUE
SUITE 2800
HOUSTON, TX 77010

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JUN 30 2008

OFFICE OF PETITIONS

In re Application of :
Edward B. Boden :
Application No. 10/058,954 : ON PETITION
Filed: January 28, 2002 :
Attorney Docket No. END920010095US1 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 7, 2008, 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 15, 2005, 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 February 16, 2006.

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 (571) 272-3210.

This matter is being referred to Technology Center AU 2134 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Hunter E. Webb
75 State Street, 14th Floor
Albany, NY 12207

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JENKINS & WILSON, PA
3100 TOWER BLVD
SUITE 1400
DURHAM NC 27707

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SEP 2 2 2004

OFFICE OF PETITIONS

In re Application of
Guttman, et al.
Application No. 10/058,963
Filed: January 28, 2002
Attorney Docket No. 1392/10/17/2/2

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed February 2, 2004 (certificate of mailing date January 29, 2004), 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;

(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.

The instant pending application was filed on January 28, 2002, and was pending at the time of filing of the instant petition. A reference to the prior-filed nonprovisional applications - application nos. 10/047,461 and 10/047,438 - 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.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney E. Shirene Willis at (703) 308-6712.

This application is being forwarded to Technology Center Art Unit 1753 for appropriate action on the amendment filed February 2, 2004 (certificate of mailing date January 29, 2004), including 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.

Charles Pearson
Director, Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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MAILED

FEB 03 2004

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

Anthony R. Lambert
Suite #200
10328-81 Avenue
Edmonton, AB T6E 1X2
Canada

Paper No. 10

In re Application of
Robert Rajewski
Application No. 10/058,969
Filed: January 30, 2002
For: UTILITY POLE INSTALLATION SYSTEM

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in reply to applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181, filed in the United States Patent and Trademark Office on December 17, 2003.

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 June 12, 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.

mjz/1/30/04

STEVEN N. MEYERS
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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THOMAS J. PERKOWSKI, ESQ., P.C.
SOUNDVIEW PLAZA
1266 EAST MAIN STREET
STAMFORD, CT 06902

COPY MAILED

MAR 25 2008

OFFICE OF PETITIONS

In re Application of :
PERKOWSKI, Thomas J. :
Application No. 10/058,970 : DECISION GRANTING PETITION
Filed: January 28, 2002 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **100-058USANBO** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed March 19, 2008, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). *See* 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on January 22, 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 relating to this decision should be directed to Monica A. Graves at (571) 272-7253.

This application is being referred to Technology Center AU 3625 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

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new 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.*

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

SEP 22 2009

OFFICE OF PETITIONS

In re Patent No. 7,373,396	:	ON PETITION
Sato	:	UNDER 37 CFR 1.183
Issue Date: May 13, 2008	:	and
Application No. 10/059,000	:	ON REQUEST FOR RECONSIDERATION
Filed: January 30, 2002	:	OF PATENT TERM ADJUSTMENT
Attorney Docket No. 072982-0235	:	
	:	

This is a decision on the 1) petition under 37 C.F.R. 1.183, requesting that the Office suspend the rules and consider on the merits a Request for Reconsideration of Patent Term Adjustment under 37 C.F.R. 1.705(d) filed more than two months from the date the above-referenced patent issued and on the 2) Request for Reconsideration of Patent Term Adjustment under 37 C.F.R. 1.705(d), both of which were filed on November 10, 2008.

The petition under 37 CFR 1.183 is **dismissed**.

The request for reconsideration of patent term adjustment under 37 CFR 1.705(d) is **dismissed as untimely filed**.

Any request for reconsideration, whether directed to the decision on petition under 37 CFR 1.183 or to the decision on application for patent term adjustment under 37 CFR 1.705(d), must be filed within two months of the mailing date of this decision. Extensions of time under 37 CFR 1.136 are not permitted. See § 1.181(f).

BACKGROUND

On May 13, 2008, the above-identified application matured into U.S. Patent No. 7,373,396, with a revised patent term adjustment of 1,488 days. No request for reconsideration of the patent term

adjustment indicated in the patent was filed within two months of the date the patent issued. Patentee now petitions under 37 C.F.R. § 1.183 to (i) suspend or waive the requirement of 37 C.F.R. § 1.705(d) that a Request for Reconsideration of Patent Term Adjustment be filed within two months of the date the patent issued; and (ii) consider the enclosed Request for Reconsideration of Patent Term Adjustment. Patentee references the recent decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. Sept. 30, 2008) as the basis for the petition.

ON PETITION UNDER 37 CFR 1.183
TO WAIVE THE TWO-MONTH REQUIREMENT OF 37 CFR 1.705(d)

The above-referenced patent issued on May 13, 2008. A request for reconsideration of the patent term adjustment indicated in the patent was not filed until November 10, 2008. Petitioner requests that the Office suspend the rules and consider on the merits the Request for Reconsideration of Patent Term Adjustment under 37 C.F.R. 1.705(d) even though it was untimely filed more than two months from the date the patent issued.

The relevant regulation, 37 CFR 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* 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. (*emphasis* added).

By the express provisions of 37 CFR 1.705(d), a request for reconsideration of patent term adjustment must be filed within two months of the date the patent issued. It is undisputed that no such request for reconsideration was filed by July 13, 2008, the date two months from the date this patent issued, May 13, 2008. Rather, on November 10, 2008, more than one month after the issuance of a decision in Wyeth v. Dudas on September 30,

2008, petitioner filed the instant request for waiver of the two-month requirement.

37 CFR 1.183 provides that:

> In an extraordinary situation, when justice requires, any requirement of the regulations in this part which is not a requirement of the statutes may be suspended or waived by the Director or the Director's designee, *sua sponte*, or on petition of the interested party, subject to such other requirements as may be imposed. Any petition under this section must be accompanied by the petition fee set forth in § 1.17(f).

35 U.S.C. 154, requires the Office to provide the applicant one opportunity to request reconsideration of any patent term adjustment determination made by the Director, authorizes the Director to establish the procedures for requesting such reconsideration. Those procedures[1] include pursuant to 37 CFR 1.705(d) setting a two-month period for filing a request for reconsideration of the revised patent term adjustment indicated in the patent.

Having considered petitioner's arguments, it is concluded that waiver of the two-month requirement is not warranted. The primary basis for requesting waiver set forth by petitioner is

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[1] 35 U.S.C. § 154(b)(3) provides that the USPTO shall: (1) prescribe regulations establishing procedures for the application for and determination of patent term adjustments under 35 U.S.C. § 154(b); (2) make a determination of any patent term adjustment under 35 U.S.C. § 154(b) and transmit a notice of that determination with the notice of allowance under 35 U.S.C. § 151; and (3) provide the applicant one opportunity to request reconsideration of any patent term adjustment determination. Pursuant to the mandate and authority in 35 U.S.C. § 154(b)(3), the USPTO promulgated 37 C.F.R. § 1.705, which provides that: (1) the notice of allowance will include notification of any patent term adjustment under 35 U.S.C. § 154(b)(37 C.F.R. § 1.705(a)); (2) any request for reconsideration of the patent term adjustment indicated in the notice of allowance (except as provided in 37 C.F.R. § 1.705(d)) must be by way of an application for patent term adjustment filed no later than the payment of the issue fee and accompanied by (inter alia) the fee set forth in 37 C.F.R. § 1.18(e)(37 C.F.R. § 1.705(b)); and (3) 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.

"the extraordinary situation presented by the recent decision in Wyeth v. Dudas, No. 07-1492 (D.D.C. Sept. 30, 2008)." Specifically, petitioner states that in Wyeth, the U.S. District Court for the District of Columbia held that contrary to USPTO practice, a patentee is entitled to Patent Term Adjustment credit for examination delay under 37 CFR 1.702(b) in addition to any examination delay under 37 CFR 1.702(a), to the extent that the two periods of delay "do not occur on the same calendar day or days."

Petitioner has not explained why it could not have filed a Request for Reconsideration of Patent Term Adjustment within two months of the date the above-referenced patent issued. Apparently, petitioner's argument is that the basis for the Request for Reconsideration of Patent Term Adjustment is the Wyeth decision, which was entered more than two months after the issuance of their patent.

The fact that any relief ultimately granted in Wyeth would benefit patentee had they timely filed a request for reconsideration does not make the situation extraordinary. Wyeth followed the procedure set forth in 37 CFR 1.705 for requesting reconsideration of the patent term adjustment determination. Then, pursuant to 35 U.S.C. 154(b)(4)(A), Wyeth timely filed a complaint in District Court seeking judicial review of the Office's decision. A Memorandum Opinion and Order, the Wyeth decision of September 30, 2008, directed to the parties involved was issued.

Petitioner chose not to challenge their revised patent term adjustment within the two-month period. Petitioner's argument that they could not have filed a Request for Reconsideration of Patent Term Adjustment within two months of the date the above-referenced patent issued because the basis for the Request for Reconsideration of Patent Term Adjustment is the Wyeth decision, which was entered more than two months after the issuance of their patent, is not persuasive.

Petitioner could have filed a Request for Reconsideration of Patent Term Adjustment as Wyeth did. It is acknowledged that petitioner may have chosen not to file a request for reconsideration based on a conclusion that the Office's interpretation of 35 U.S.C. § 154(b)(2)(A) was correct. Nonetheless, the fact that the District Court has now issued an Opinion contrary to the Office's interpretation does not make

the situation extraordinary. This is not unlike any other situation where a patentee (or applicant) challenges a final agency decision and the decision upon judicial review could have had applicability to another patentee (or applicant) had they taken such action. In fact, many patentees may be in the same situation as petitioner with respect to the Wyeth decision. In addition, given that the law only allows 180 days for both the filing of a petition and for the Office's consideration of that petition, petitioner's unexplained nearly six-month delay in filing the petition weighs against them.

Petitioner simply fails to articulate how his failure to file a request for reconsideration of patent term adjustment within two months of the issue date of the patent was due to an extraordinary situation. Petitioner cannot rely on Wyeth's actions or the Wyeth decision to establish that his situation was extraordinary.

The contention that a decision is in error is a basis for a timely request for review of the decision, but does not justify a delay in seeking review of such decision.

The Office provided notice that petitions under 37 CFR 1.182 and 1.183 or requests for certificate of corrections under 35 USC 354 and 37 CFR 1.323 or 35 U.S.C. 255 and 37 CFR 1.324 are not substitute *fora* to obtain reconsideration of a patent term adjustment determination indicated in a notice of allowance if applicant fails to submit a request for reconsideration within the time period specified in §1.705(b) or to obtain reconsideration of a patent term adjustment determination indicated in a patent if a patentee fails to submit a request for reconsideration within the time period specified in §1.705(d). See 69 Fed. Reg. 21704, 21707 (April, 22, 2004).

In view thereof, the petition under 37 CFR 1.183 for waiver of the two-month requirement of 37 CFR 1.705(d) is **dismissed**.

Accordingly, consideration now turns to the Request for Reconsideration of Patent Term Adjustment under 37 CFR 1.705(d).

ON REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. §1.705," filed November 10, 2008. Therein, patentee requests correction of the patent term adjustment (PTA) indicated in the patent to one thousand eight hundred ten (1,810) days.

On May 13, 2008, the above-identified application matured into U.S. Patent No. 7,373,396, with a revised patent term adjustment of 1,488 days. The instant request for reconsideration was filed more than five months after the issuance of the patent, on November 10, 2008.

No error in the printing of the patent has been shown. The patent term adjustment indicated on the patent reflects the Office's determination of patent term adjustment shown in the PAIR system for this application. 37 CFR 1.705(d) provides the sole avenue before the Office for requesting reconsideration of the Office's determination of patent term adjustment indicated in the patent. 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." Since the request was not filed within two months of the issue date of the patent, the request is properly **dismissed as untimely filed**.

CONCLUSION

It is determined that waiver of the requirement pursuant to 37 CFR 1.183 is not warranted. Accordingly, the request for reconsideration of the patent term adjustment under 37 CFR 1.705(d) filed more than two months after the issue date of the patent is dismissed as untimely filed.

The Office acknowledges receipt of the petition fee of $200.00, as set forth in 37 CFR 1.18(e). Petitioner has submitted only $130.00 towards the $400.00 Rule 183 petition. Pursuant to petitioner's authorization, deposit account no. 19-0741 will be charged the $270.00 balance due.

Telephone inquiries specific to this matter should be directed to Shirene Willis Brantley, Senior Petitions Attorney, at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No.

STAAS & HALSEY LLP
SUITE 700
1201 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

MAILED

JUN 1 1 2010

OFFICE OF PETITIONS

In re Patent No. 6,789,931 :
Pinho :
Issue Date: September 14, 2004:
Application No. 10/059,006 : NOTICE REGARDING DEFICIENCY
Filed: January 30, 2002 :
Atty Docket No. 1657.1002 :

This is a notice regarding your letter received June 3, 2008, notifying the Office of loss of entitlement to small entity status and requesting acceptance of a fee deficiency submission as provided for in 37 CFR 1.28.

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

The instant request included an itemization and payment of $1035 deficiency in payment fees.

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

Payment of the deficiency has been treated under § 1.27(g)(2) as a notification of a loss of entitlement to small entity status.

Telephone inquiries related to this decision should be directed to the undersigned at 571-272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

PET DEC.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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Paper No. 06

BEYER WEAVER & THOMAS LLP
P.O. BOX 778
BERKELEY CA 94704-0778

In re Application of:
Ronald E. Pelrine, *et al.*
Application No. 10/059,033
Filed: January 29, 2002
Attny. Docket No. SRI1P044/US-4390-2

JAN 22 2003

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the communication, filed November 05, 2002. The communication is being treated as a request to withdraw as attorney of record under 37 C.F.R. § 1.36.

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 William Plut, an attorney with limited recognition under 37 C.F.R. § 10.9(b) in the above identified application.

The request is APPROVED

The attorneys of Beyer Weaver & Thomas, LLP, are identified in the Declaration and Power of Attorney, filed May 21, 2002, as having power of attorney and remain as attorneys of record.

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

Inquiries related to this decision should be directed to Lissi Marquis at (703) 308-2260.

Lissi Mojica Marquis
Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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EPSTEIN & GERKEN
1901 RESEARCH BOULEVARD
SUITE 340
ROCKVILLE MD 20850-3164

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SEP 16 2005

OFFICE OF PETITIONS

In re Application of :
Butler et al. :
Application No. 10/059,044 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. 1348.105-US :

This is a decision on the petition for revival under 37 CFR 1.137 filed on August 30, 2005. This petition is being treated under 37 CFR 1.181 as a petition to withdraw the holding of abandonment.

The petition to withdraw the holding of abandonment is **GRANTED**.
The petition to revive under 37 CFR 1.137(a) is **DISMISSED**.

This application was held abandoned April 2, 2004 for failure to timely reply to the non-final Office Action mailed on March 1, 2004. The non-final Office Action set a one (1) month extendable time period for reply. A Notice of Abandonment was mailed October 5, 2004.

Petitioner asserts that a reply to the non-final Office Action was timely submitted on March 30, 2004. As evidence, petitioner has submitted a copy of a return postcard date stamped by the Office acknowledging receipt of the reply. Additionally, petitioner has supplied a copy of the previously mailed correspondence.

The response submitted March 30, 2004 has not been located in the Office, however, in view of the evidence submitted, the response is deemed timely.

The Notice of Abandonment is hereby vacated and the holding of abandonment is withdrawn.

The application file is being forwarded to the Technology Center 3600 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

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NOV 3 2005

LISA HILLMAN
MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S. WACKER DR.
32 FLOOR
CHICAGO, IL 60606

In re Application of Brian T. CUNNINGHAM et al. :
Serial No. :10/059,060 :PETITION DECISION
Filed : JANUARY 28, 2002
Attorney Ref No. :001123-G

This letter is in response to the Petition under 37 C.F.R. 1.144, filed on July 26, 2005, to request the review and withdraw of the restriction requirement. The delay in acting on this petition is regretted.

BACKGROUND

A review of the file history shows that the application was filed on January 28, 2002 as a Continuation-in-part of 09/930352 filed on August 15, 2001. It is noted that both the instant application and the parent application has been allowed and applicants have paid the issue fee.

On October 5, 2004 a restriction requirement under 35 U.S.C. 121 was made among the 1-9, 11-33, 35-94 original claims designating inventions corresponding to groups I through XXI.

On December 21, 2004, applicants elected with traverse the subject matter of Group I, arguing that there exists no serious burden to search the different groups and submitted that Examiner should consider regrouping the claims.

In response to the election, on March 30, 2005, the examiner acknowledged the election of Group I, claims 1-16, found the traversal non-persuasive. Examiner argued that while the inventions may be classified in the same class and subclass that does not mean that there is no serious search burden because an extensive search for each of the groups would be a burden on the examiner due to the different search terms and different search strategies on commercial databases that would be required to search each of the inventions. Examiner argued that while some of the inventions are classified in the same class and subclass, as pointed out by Applicants, they are still considered separate and distinct inventions for the reasons set forth in

the restriction requirement and would still require separate search strategies. Examiner made the restriction FINAL.

A first Office action on the merits was also mailed as a part of this same communication, in which claims 1-9, 11-14 were provisionally rejected under obviousness-type Double patenting. Examiner indicated that claims 15-16 are objected but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

In response to the Office action of March 30, 2005, applicants did not amend any claim but overcame the provisional obviousness-type Double patenting rejection and requested allowance of all pending claims.

On June 24, 2005, Examiner had a telephonic interview with the applicant for an Examiner's amendment for cancellation of claims 13, 14, 17-33, 35-94 in which the applicant agreed to cancel claims 13, 14, 17-33, 35-94. Examiner mailed a Notice of Allowance on June 24, 2005 indicating that the remaining claims 1-9, 11-12, 15-16 are allowed.

On July 26, 2005 applicants filed this instant petition requesting withdrawal of the restriction. On July 27, 2005, applicants paid the issue fee in response to the Notice of allowance.

DISCUSSION

The application, file history and petition under 37 C.F.R. 1.144, to request review of the restriction requirement has been considered.

Applicant's arguments have been considered in full. Prior to the discussion on the merit of the petition, it is noted that on June 24, 2005 Applicants agreed with the Examiner to cancel claims 13, 14, 17-33, 35-94 and go ahead with the allowance of the remaining claims.

This decision is in response to the Petition under 37 C.F.R. 1.144, filed on July 26, 2005, to request the reconsideration and withdrawal of the restriction requirement.

While on one hand Applicants traversed the restriction requirement mailed October 5, 2004 arguing that there exists no serious burden to search the different groups, on the other hand, on June 24, 2005, Applicants also agreed to cancel the originally non-elected claims such that the elected claims are allowed. Applicants received such Notice of Allowance and have also paid the issue fee.

It is agreed that according to § 1.144, the Applicant may petition the Director to review the restriction requirement and may defer until after final action on or allowance of claims to the invention elected. However, in this instant case because applicants have filed the instant petition after agreeing to cancel non-elected claims and because applicants have also paid the issue fee, the instant petition requesting withdrawal of restriction at his stage in the prosecution is considered untimely. In order to pursue the restriction issue, applicants are advised to file an

appropriate RCE along with a petition under 37 CFR 1.144 so that the petition may be considered timely and given due consideration.

DECISION

For these reasons, the petition under 37 C.F.R. 1.144, to request to withdraw the restriction is **DISMISSED** as untimely.

Because applicants have already paid the issue fee the application will be processed for allowance.

Should there be any questions regarding this decision, please contact Special Program Examiner Julie Burke, by mail addressed to Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at (571) 272-1600 or by Official Fax at 703-273-8300.

Bruce Kisliuk
Director, Technology Center 1600

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W. Edward Johansen
11661 San Vicente Boulevard
Los Angeles CA 90049

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DEC 28 2005

OFFICE OF PETITIONS

In re Application of :
Ronald R. Williams : DECISION GRANTING PETITION
Application No. 10/059,079 :
Filed: January 28, 2002 :
Attorney Docket No. WILLIAMS#8 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 23, 2005, to revive the above-identified application.

This application became abandoned on November 19, 2004, for failure to file a timely response to the nonfinal Office action mailed on August 18, 2004, which set a three (3) month statutory period for reply. A Notice of Abandonment was mailed on March 23, 2005.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee, and made the proper statement of unintentional delay.

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

This matter is being referred to Technology Center Art Unit 2613.

Telephone inquiries should be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Paper No. 7

JAN 1 4 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Cooper & Dunham LLP
1185 Avenue of the Americas
New York NY 10036

In re Application of
Paschal et al.
Application No. 10/059,090
Filed: January 28, 2002
For: **METHOD AND SYSTEM FOR VOTING BY TELEPHONE**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed January 28, 2002 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

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ALEXANDRIA, VA 22313-1450
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Paper No. 9

MAIL

MAR 1 5 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

Cooper & Dunham LLP
1185 Avenue of the Americas
New York NY 10036

In re application of:
PASCHAL
Application No. 10/059,090
Filed: January 28, 2002
For: **METHOD AND SYSTEM FOR VOTING BY TELEPHONE**

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney/agent of record filed on December 1, 2003 and the supplemental request, filed February 23, 2004.

A grantable request to withdraw as attorney/agent of record must:
(1) indicate the present mailing address of the attorney(s)/agent(s) who seek(s) to withdraw, and
(2) be signed by each attorney/agent seeking to withdraw or clearly be signed on their behalf, and
(3) be *approved* at least thirty (30) days prior to the maximum extendable period for response to any outstanding Office Action, and
(4) indicate the address to which future correspondence should be mailed.

Petitioner has satisfied the requirements for successfully requesting withdrawal. Accordingly, the request is **GRANTED.**

All of the attorneys/agents of record listed in the Request are withdrawn.

All future correspondence will be directed to the address listed below until such a time as a request for change of address is filed. The application is being returned to TC 2600 central files to await action in due course.

Krista Zele
Special Program Examiner
Technology Center 2600
Communications

CC:
Kent and Lia Paschal
75 East End Avenue
Apartment Penthouse B
New York, NY 10028

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 10

GLENN PATENT GROUP
3475 EDISON WAY, SUITE L
MENLO PARK, CA 94025

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DEC 10 2004

OFFICE OF PETITIONS

In re Application of :
Stuart Denzil Edwards, et al. :
Application No. 10/059,098 : ON PETITION
Filed: January 25, 2002 :
Attorney Docket No. STUA0001 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 5, 2004, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed May 30, 2003, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned at midnight on June 30, 2003.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application file is being forwarded to Technology Center 3700, Art Unit 3739 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

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Paper No. 8

MAIL

APR 0 2 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

James A. LaBarre
BURNS, DOANE, SWECKER & MATHIS, L.L.P.
P.O. Box 1404
Alexandria, VA 22313-1404

In re Application of: Ngo et al.
Application No. 10/059,233
Attorney Docket No. 033311-006
Filed: January 31, 2002
For: DATA REPLICATION BASED UPON A NON-DESTRUCTIVE DATA MODEL

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102 and M.P.E.P. §708.02(VIII)

This decision is in response to the communication filed February 20, 2003, which is being treated under 37 CFR §1.102(d), requesting to make special of the above-identified application in view of M.P.E.P. §708.02(VIII): Accelerated Examination.

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.

Petitioners' submission is deficient in that (1) there is no statement that will make an election *without traverse* as a prerequisite to the grant of special status required by section (B), (2) there is no statement that indicates an online search was conducted on USPTO database and/or there is no class and subclass have been identified, (3) the detailed discussion of the US patent references merely reproduces the titles or Abstracts provided in each reference accompanied by a statement that the particular group of references do not include features of the claimed invention. The discussion does not point out *how* the claimed subject matter is patentable over the references with the particularity required by 37 C.F.R. 1.111(b) and (c) as required by section (E) noted above. Noticed that, references deemed "most closely related" to the subject matter encompassed by the claims are required to be identified and discussed. Furthermore, (4) not all discussed references have been provided with one copy each as required by section (D), for example, a copy of the commercial product Lotus Notes discussed in Appendix B (page B-5) has not been provided and/or made of record.

Courtesy call and contact with attorney of record has been made on March 14, 2003, which deficiencies have been identified and/or informed, so that the filed deficient Petition could be perfected timely. Another courtesy call has been made on March 21, 2003.

Accordingly, the Petition is DISMISSED. The application file is being forwarded to the Technology 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.

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

TQD

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NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET NW
SUITE 1000 WEST TOWER
WASHINGTON DC 20005

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NOV 20 2007

OFFICE OF PETITIONS

In re Application of :
James Digby Yarlet Collier :
Application No. 10/059,260 : DECISION ON PETITION
Filed: January 31, 2002 :
Attorney Docket No. 8054.011 :

This is a decision on the petition under 37 CFR 1.137(b), filed December 29, 2006, 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 June 26, 2006, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on September 27, 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, $790 filing fee, and submission as required by 37 CFR 1.114, (2) the petition fee of $1,500, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the final Office action of June 26, 2006 is accepted as being unintentionally delayed.

This application is being referred to Technology Center AU 2193 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 December 29, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

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FINNEGAN, HENDERSON, FARABOW,
GARRETT & DUNNER, LLP
1300 I STREET, NW
WASHINGTON, DC 20005-3315

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OFFICE OF PETITIONS

In re Application of :
Lena Edelman, et al. :
Application No. 10/059,261 : DECISION ON PETITION
Filed: January 31, 2002 : TO WITHDRAW
Attorney Docket No. 03495-0216-00000 : 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 September 21, 2007 and September 24, 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 Deborah Katz on behalf of herself.

All other attorney/agents remain of record.

The correspondence address of record remains unchanged.

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

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JUL 24 2008

POSZ LAW GROUP, PLC
12040 SOUTH LAKES DRIVE
SUITE 101
RESTON VA 20191

In re Patent No. 7,208,207 :
Issue Date: April 24, 2007 :
Application No. 10/059,267 : ON PETITION
Filed: January 31, 2002 :
Attorney Docket No. P 290663 TFN010241-US :

This is a decision on the petition filed September 13, 2007, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of an 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 Carl Friedman at (571) 272-6842. 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.

Carl Friedman
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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EPSTEIN & GERKEN
1901 RESEARCH BOULEVARD
SUITE 340
ROCKVILLE, MD 20850-3164

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AUG 2 5 2004

OFFICE OF PETITIONS

In re Application of :
Jeffrey H. Diamond :
Application No. 10/059,272 : ON PETITION
Filed: January 31, 2002 :
Attorney Docket No. 0136.0018C :

This is a decision on the petition under 37 CFR 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 submit the issue/publication fee in a timely manner in reply to the Notice of Allowance mailed May 3, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 4, 2004.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (703) 306-5685.

This matter is being referred to Publishing Division.

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

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1901 RESEARCH BOULEVARD
SUITE 340
ROCKVILLE MD 20850

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APR 2 9 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Jeffrey H. Diamond :
Application No. 10/059,272 :
Filed: January 31, 2002 :
Attorney Docket No. 0136.103.US :

This is a decision on the petition, filed April 29, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 9, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 3635 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).

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Paper No. _____

Date : April 29, 2005

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Jeffrey H. Diamond
Application No. :10/059,272
Filed :January 31, 2002

The above-identified application has been assigned Patent No. 6,889,476 and an issue date of May 10, 2005.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of May 10, 2005:

"All reference to Patent No. 6,889,476 to Jeffrey H. Diamond of Florida for STABILIZED WINDOW STRUCTURES AND METHODS OF STABILIZING AND REMOVING SHATTERED GLASS FROM WINDOW STRUCTURES appearing in the Official Gazette of May 10, 2005 should be deleted since no patent was granted."

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, MDW-4B03, (FAX-273-5468
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038)
Duane Davis P/OPC MDE-7D89
Tamara Greene, ST-8C13

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FISH & RICHARDSON P.C.
P.O. BOX 1022
MINNEAPOLIS MN 55440-1022

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OFFICE OF PETITIONS

In re Application of :
ESCOBAR, et al. :
Application No. 10/059,274 : DECISION ON PETITION
Filed: January 31, 2002 : TO WITHDRAW
Attorney Docket No. 06975-167001 : 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 02, 2007.

The request is **APPROVED.**

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The request was signed by Scott R. Boalick. Soctt R. Boalick has been withdrawn as attorney or agent of record; all other attorneys remain of record.

The correspondence address of record remains unchanged.

There is an outstanding advisory Office action mailed May 31, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

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Paper No. 7

PETER A. BUSINGER, ESQ.
344 VALLEYSCENT AVENUE
SCOTCH PLAINS, NJ 07076-1170

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JUL 15 2005

OFFICE OF PETITIONS

In re Application of :
Ortega et al. :
Application No. 10/059,282 : ON PETITION
Filed: January 29, 2002 :
Title: METHOD AND SYSTEM FOR :
DELIVERING MEDIA DATA

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 7, 2005 (originally March 17, 2004), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed March 19, 2002. 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, 2002. A Notice of Abandonment was mailed on December 18, 2003.

A review of the application file confirms receipt of the March 17, 2004 petition. However, it appears the facsimile transmission was not complete. Only the page one out of the twelve-page declaration listed on the cover sheet was enclosed. Now, with the March 7, 2005 petition, the declaration is complete.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is being referred to the Office of Initial Patent Examination.

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

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Dennis R. Haszko
P.O. Box 3440, Station D
Ottawa, Ontario
Canada, KIP 6P1

OCT - 2 2004

In re Application of:
Wang et al.
Serial Number: 10/059,323
Filed: 01/31/02
For: Active Peaking Using Differential Pairs of Transistors

: DECISION ON PETITION
: TO WITHDRAW THE HOLDING
: OF ABANDONMENT

This is a decision on the petition filed on February 18, 2004 requesting the withdrawal of the holding of abandonment. The petition will be considered as a request under 37 CFR 1.181. The subject application was held abandoned due to Applicant's failure to respond to the Office action mailed January 31, 2003. The Petitioner's request is based upon Applicant's assertion that said Office action was not received.

The Petition is ***granted***.

The petition has been considered and found to comply with the requirements set forth in section 711.03(C) of the Manual of Patent Examining Procedure. Petitioner's statement of non-receipt and the attached copy of the docketing records are sufficient evidence to establish that Applicant did not receive the last Office action. Therefore, the holding of abandonment is withdrawn. A copy of the last Office action will be sent to Applicant with a shortened statutory period for response set to run three months from the mailing date of said action.

James L. Dwyer, Director
Technology Center 2800
Physics, Optical Systems and Components and Electrical Engineering

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Paper No. 20

BIRCH STEWART KOLASCH & BIRCH
P.O. BOX 747
FALLS CHURCH VA 22040-0747

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JAN 29 2004

OFFICE OF PETITIONS

In re Application of
Hideki Akiyama et al
Application No. 10/059,325
Filed: January 31, 2002
Attorney Docket No. 0505-0949P

ON PETITION

This is a decision on the petition, filed January 7, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 4, 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 3683 for processing of the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

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INTELLECTUAL PROPERTY & STANDARDS
1109 MCKAY DRIVE, M/S-41SJ
SAN JOSE, CA 95131

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OFFICE OF PETITIONS

In re Application of :
Jeroen Anton Johan Leijten :
Application No. 10/059,427 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No. NL 010073 :

This is a decision on the petition under 37 CFR 1.137(b), filed November 13, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for a failure to timely file an Appeal Brief within two months of the December 22, 2006 date of the Notice of Appeal. A Notice of Abandonment was mailed on September 29, 2006. In response, on November 13, 2006, the present petition was filed.

There is no indication that the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, the signature of Dicran Halajian appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts in accordance with 37 CFR 1.34(a). A courtesy copy of this decision is being mailed to petitioner; but, if Mr. Halajian desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the Appeal Brief and requisite fee; (2) the petition fee of $1,500; and (3) the required statement of unintentional delay[1].

[1] 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The application is being referred to Technology Center AU 2183.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3204. Inquiries relating to the prosecution of the application should be referred to the Technology Center.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: DICRAN HALAJIAN
THORNE & HALAJIAN, LLP
APPLIED TECHNOLOGY CENTER
111 WEST MAIN STREET
BAY SHORE, NY 11706

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OFFICE OF PETITIONS

PHILIPS INTELLECTUAL PROPERTY & STANDARDS
P.O. BOX 3001
BRIARCLIFF MANOR NY 10510

In re Application of :
Ali, et. al : DECISION ON PETITION
Application No. 10/059,441 :
Filed: January 29, 2002 :
Docket No.: STEV-109 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed June 21, 2006.

This application became abandoned for failure to timely submit a proper reply to the Notice mailed February 10, 2006. The Notice set a one month (30 day) non-extendible period of time for reply. Notice of Abandonment was mailed June 15, 2006.

A grantable petition pursuant to 37 C.F.R. § 1.137(b) must be accompanied by: (1) the required reply to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 C.F.R. § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. § 1.137(b) was unintentional; and (4)any terminal disclaimer (and fee set forth in 37 C.F.R. § 1.20(d)) required pursuant to 37 C.F.R. § 1.137(c).

The instant petition has been reviewed and found in compliance with the provisions of 37 C.F.R. § 1.137(b). Accordingly, the failure to timely submit a proper reply to the Notice is accepted as having been unintentionally delayed.

This application will be forwarded to the Office of Patent Publication for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3205.

Alesia M. Brown
Petitions Attorney
Office of Petitions

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Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

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OFFICE OF PETITIONS

In re Application :
Asada :
Application No. 10/059,455 : PATENT TERM ADJUSTMENT
Filed: January 29, 2002 :
Dkt. No.: 11333/5 :

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 CFR § 1.705(b)," filed November 10, 2005.

Applicant herein has not disputed the patent term adjustment (PTA) accorded to date (696 days). Instead, 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 three years of the filing date. A decision is being **held in abeyance** until after the actual patent date. Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term for Office failure to issue the patent within three years. *See*, 37 CFR 1.703(b).

Applicants are given **TWO (2) MONTHS** from the issue date of the patent to file a written request for reconsideration of the patent term adjustment for Office failure to issue the patent within three three years. A copy of this decision should accompany the request. Applicants may seek such consideration without payment of an additional fee. However, as to all other bases for seeking reconsideration of the patent term adjustment indicated in the patent, all requirements of 37 CFR 1.705(d) must be met. Requests for reconsideration on other bases must be timely filed and must include payment of the required fee.

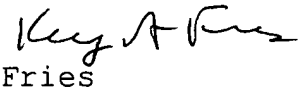
Applicants are reminded that if an application is entitled to an adjustment under 35 USC 154(b)(1)(B), the entire period during which the application (except for periods excluded under 35 USC 154(b)(1)(B)(i)-(iii)), and not just the period beginning three years after the actual filing date of the application, is the period of delay under 35 USC 154(b)(1)(B) in determining whether periods of delay overlap under 35 USC 154(b)(2)(A).

Thus, any days of delay for Office issuance of the patent more than three 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 USC 154(b)(1)(B), 35 USC 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).

The Office acknowledges receipt of the required application fee of $200.00. No additional fee will be required if applicants are solely requesting reconsideration of additional time related to failing to issue the patent within three years in accordance with 37 CFR 1.702(b).

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.



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

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Law Office of Richard A. Dunning, Jr.
343 Soquel Avenue
Suite 311
Santa Cruz, CA 95062

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DEC 0 6 2004

Technology Center 2100

In re Application of:
Joseph A. STANKO
Application No. 10/059,460
Filed: January 29, 2002
For: SINGLE SIGN-ON OVER THE INTERNET USING PUBLIC-KEY CRYTPOGRAPHY

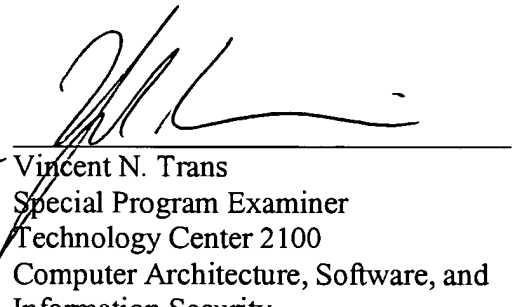
DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed November 3, 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: Gray Cary Ware & Freidenrich
153 Townsend Street, Suite 800
San Francisco, CA 94107-1907

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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POLSINELLI SHALTON FLANIGAN SUELTHAUS PC
700 W. 47TH STREET
SUITE 1000
KANSAS CITY MO 64112-1802

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SEP 29 2008

OFFICE OF PETITIONS

In re Application of :
LAHRE, Robert et al. :
Application No. 10/059,493 : DECISION ON PETITION
Filed: January 29, 2002 : TO WITHDRAW
Attorney Docket No. **57033** : 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 June 01, 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. The Office requires the practitioner(s) requesting withdrawal to certify that he, she, or they have: (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intends to withdraw from employment; (2) delivered to the client or a duly authorized representative of the client all papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond, pursuant 37 CFR 10.40(c).

The request was signed by James M. Stipek on behalf of all attorneys of record who are associated with customer No. 27148. All attorneys/agents associated with the Customer Number 27148 have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

The application became abandoned for failure to timely respond to an Office Action mailed October 31, 2007.

There is an outstanding Office action mailed October 31, 2007 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to Tredelle Jackson at 571-272-2783.

Tredelle D. Jackson
Paralegal Specialist
Office of Petitions

cc: **ROBERT LAHRE**
4790 OAK, APT. 211
KANSAS CITY MO 64112

cc: **NEIL UNDERBERG**
K2B INCORPORATED
7500 COLLEGE BOULEVARD
SUITE 1213
OVERLAND KS 66210

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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OLIVE & OLIVE, P.A.
500 MEMORIAL STREET
PO BOX 2049
DURHAM, NC 27702

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MAY 18 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Charles F. Rose :
Application No. 10/059,498 :
Filed: January 29, 2002 :
Attorney Docket No. BARO5001ECJP :

This is a decision on the petition under 37 CFR 1.137(b), filed September 16, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the final Office action mailed December 16, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned on March 17, 2004.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, the $475 extension of time submitted on September 16, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded by treasury check in due course.

Receipt is acknowledged of the Amendment filed September 16, 2004, with the instant petition.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3229.

The application matter is being forwarded to Technology Center 3700, Art Unit 3749 for processing the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6742340
Issue Date: June 1,2004
Application No. 10059501
Filed: January 29,2002
Attorney Docket No. 3170-01802

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

This is a decision on the electronic petition, filed October 13,2009 ,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 13,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

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

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6742340	2004-06-01	10059501	2002-01-29	

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

SMALL ENTITY

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

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

◯ A sole patentee

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

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

◯ The assignee of record of the entire interest

A Joint Patentee and I certify that I am authorized to sign this submission on behalf of all the other patentees			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature	/Kevin P. Pearce/	Date (YYYY-MM-DD)	2009-10-13
Name	Kevin P. Pearce		

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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GLENN C. BROWN, PC
777 NW WALL STREET, SUITE 308
BEND OR 97701

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MAY 17 2007

OFFICE OF PETITIONS

In re Application of	:	
Crowley, Aaron James	:	
Application No. 10/059,534	:	ON PETITION
Filed: January 29, 2002	:	
Attorney Docket No. 6890-2	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 20, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment (previously submitted on October 17, 2005); (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the $510.00 extension of time fee submitted with the petition on February 20, 2007, was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be refunded via treasury check in due course.

This matter is being referred to Technology Center 3700 for further examination on the merits.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GARTH JANKE
PORTLAND INTELLECTUAL PROPERTY, LLC
SUITE 1820
900 SW FIFTH AVENUE
PORTLAND OR 97204

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OFFICE OF PETITIONS

In re Application of	:	
Crowley, Aaron James	:	
Application No. 10/059,534	:	DECISION ON PETITION
Filed: January 29, 2002	:	
Attorney Docket No. P 1200.27001	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 27, 2007, 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 Replacement Drawings, (2) the petition fee, and (3) a proper statement of unintentional delay.

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.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3206.

This matter is being referred to the Publishing Division for processing into a patent.

Liana Walsh
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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OVERLAND PARK, KS 66251-2100

Mail Date: 04/21/2010

Applicant	: Dale Knoop	: DECISION ON REQUEST FOR
Patent Number	: 7593686	: RECALCULATION of PATENT
Issue Date	: 09/22/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/059,538	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/29/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1885** 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
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IBM CORP. (AVE)
C/O LAW OFFICE OF ANTHONY ENGLAND
PO BOX 5307
AUSTIN, TX 78763-5307

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SEP 15 2006

OFFICE OF PETITIONS

In re Application of :
Bradley, et al. :
Application No. 10/059,554 :
Filed: January 30, 2002 :
Attorney Docket No. AUS920010743US1

ON PETITION

This is a decision on the petition under 37 CFR 1.181 filed on July 2, 2006, to withdraw the holding of abandonment in the above-cited application.

The petition is **DISMISSED**.

The above-identified application became abandoned for failure to reply to the non-final Office action mailed December 1, 2004, which set a shortened statutory period for reply of three-months from its mailing date. No response was received within the allowable period, and the application became abandoned on March 2, 2005. A Notice of Abandonment was mailed on June 16, 2006.

Petitioner argues that a reply the non-final Office action was transmitted via facsimile on March 1, 2005, and received by the Office. As evidence of the same, petitioner provides the Auto-Reply Transmission that was allegedly returned to petitioner after the response to the non-final Office action was transmitted.

The petition cannot be granted on the basis of the Auto-Reply Transmission Sheet because the Auto-Reply transmission sheet, as seen in the Image File Wrapper of the application is illegible. Petitioner must file a legible copy of the Auto-Reply Transmission Sheet, or a copy of the response allegedly transmitted on March 1, 2005, containing a certificate of transmission in compliance with 37 CFR 1.8.

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

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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ENGLAND
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OFFICE OF PETITIONS

In re Application of

Bradley, et al.

Application No. 10/059,554

Filed: January 30, 2002

Attorney Docket No. AUS920010743US1

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed October 22, 2006.

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

This application was held abandoned on March 2, 2005, after it was believed that no response was received to the non-final Office action mailed December 1, 2004. The non-final Office action allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed June 16, 2006, indicating that a reply to the non-final Office action was not received.

The instant renewed petition maintains that the response to the non-final Office action was filed on March 1, 2006. A copy of the response containing a certificate of transmission dated March 1, 2005, accompanied the petition. Mr. Joseph P. Lally signed the certificate of transmission and the instant renewed petition. A copy of a Auto-reply transmission sheet from the USPTO whereby the USPTO acknowledged receipt of fourteen pages on March 1, 2006, in application 10/059,554.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was transmitted prior to expiration of the shortened statutory period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due.

The application file is being forwarded Technology Center 2100, GAU 2193, for further processing including entry of the copy of the amendment filed March 1, 2006.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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DIW Feb-08

GREENBERG TRAURIG, P.A.
1221 BRICKELL AVENUE
MIAMI FL 33131

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FEB 14 2008

In re Application of :
Todd McGee :
Application Number: 10/059559 : DECISION ON PETITION
Filing Date: 01/29/2002 :
Attorney Docket Number: :
38021.010000 :

This is a decision on the petition filed on September 11, 2007, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on June 2, 2007, for failure to timely reply to the final Office action mailed on March 1, 2007, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on September 18, 2007.

---

[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)).

Receipt of the Request for Continued Examination and submission under 37 CFR 1.114 submitted therewith as the required reply is acknowledged.

The application is being referred to Technology Center Art Unit 3627 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 19, 2007

TO SPE OF : ART UNIT 1763

SUBJECT : Request for Certificate of Correction for Appl. No. ~~10/59572~~ 10/059,572 patent no. 7138014

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

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

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

Note your decision on the appropriate box.

- ☒ **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 as the errors being of typographical nature or correction being supported by the application.

PARVIZ HASSANZADEH
SUPERVISORY PATENT EXAMINER

SPE

1763
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. None

Sandra M. Koenig, Esq.
Fay, Sharpe, Fagan,
Minnich & McKee, LLP
1100 Superior Avenue, 7th Floor
Cleveland OH 44114-2518

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AUG 16 2005

OFFICE OF PETITIONS

In re Application of
Maurice Tinkler and John Alex Leonard
Application No. 10/059,577
Filed: January 29, 2002
Attorney Docket No. EPE 2 0012
Title: METHOD AND DEVICE FOR PRODUCING AQUEOUS IODINE AND OTHER HALOGEN SOLUTIONS

DECISION ON PETITION

This is a decision on the petition under 37 C.F.R. §1.182, filed November 26, 2004, to change the order of the names of the inventors. The Office regrets the delay in issuing this decision.

The petition is **GRANTED**.

The petition fee has been received and the order of the names of the inventors has been changed as follows:

Maurice Tinkler
John Alex Leonard

A filing receipt reflecting this change is enclosed.

The general phone number for the Office of Petitions which should be used for status requests is (571) 272-3282. Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225.

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

Encl. 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

HOWARD B. ROCKMAN
BARNES & THORNBURG
P.O. BOX 2786
CHICAGO, IL 60690-2786

COPY MAILED

SEP 17 2004

OFFICE OF PETITIONS

In re Application of :
Klas Goran Eriksson :
Application No. 10/059,578 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No. 8036-1003

This is a decision on the petition, filed September 10, 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 23, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

This matter will be forwarded to Technology Center AU 2877 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
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THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL BUSINESS CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

COPY MAILED
JUN 23 2006
OFFICE OF PETITIONS

In re Application of:	:	
McOsker et al.	:	
Application No. 10/059,614	:	DECISION ON
Filed: January 29, 2002	:	PETITION
Attorney Docket Number: 7041C	:	

This is a decision in response to the petition under 37 CFR 1.137(b), filed April 20, 2006, 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 August 25, 2005. The Notice set a shortened statutory period for reply of three (3) months from the mail date of the Notice, and also provided for extensions of time under 37 CFR 1.136(a). No complete and proper reply having been received, the application became abandoned November 26, 2005. A Notice of Abandonment was mailed march 14, 2006.

With the instant petition, Applicant has filed a Notice of Appeal.

The two-month period for filing an appeal brief (accompanied by the fee required by 37 CFR 1.17(c)), runs from the date of this decision.

The application is being forwarded to Technology Center 3761 to await submission of the Appeal Brief.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOV 18 2004

PHILIP S. JOHNSON
JOHNSON & JOHNSON
ONE JOHNSON & JOHNSON PLAZA
NEW BRUNSWICK NJ 08933-7003

In re Application of	:	
Arindam Datta et al	:	
Application No: 10/059,637	:	NOTICE OF WTHDRAWAL
Filed: January 29, 2002	:	FROM ISSUE
Title: Biodegradable Stent	:	UNDER 37 CFR 1.313(b)

The above-identified application is withdrawn from issue after payment of the issue fee due to upatentability 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 John E. Kittle at (703)308-0873.

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 E. Kittle
Director
Technology Center 3700/2900

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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STEPHEN R. CHRISTIAN
BECHTEL BWXT IDAHO, LLC
P.O. BOX 1625
IDAHO FALLS, ID 83415-3899

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DEC 0 8 2004

OFFICE OF PETITIONS

In re Application of
Peter C. Kong et al
Application No. 10/059,669
Filed: January 29, 2002
Attorney Docket No. B-118

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 20, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/057,543, filed January 23, 2002, as 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;

(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.

The instant pending application was filed on January 29, 2002, 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).

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration

of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed nonprovisional 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 nonprovisional 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 applicants are 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.

After this decision is mailed, deposit account No. 05-0565 will be charged $1,330.00 for the petition fee.

Any inquiries concerning this decision may be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center Art Unit 1753 for appropriate action on the amendment filed September 20, 2004, including consideration by the examiner of applicants' entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed nonprovisional application.

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

ATTACHMENT: Corrected Filing Receipt

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/059,681	01/30/2002	Yoshio Onuki	15228	6685

7590 11/05/2003

Scully, Scott, Murphy & Presser
400 Garden City Plaza
Garden City, NY 11530-0299

EXAMINER	
LEUBECKER, JOHN P	

ART UNIT	PAPER NUMBER
3739	8

DATE MAILED: 11/05/2003

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

UNITED STATES
PATENT AND
TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
WWW.USPTO.GOV

Paper No. 8

In re Application of Onuki et al.
Serial No. 10/059,681
Filed: January 30, 2002
For: **Medical Guide Wire**

: **DECISION ON PETITION**
: **UNDER** *37 CFR 1.48(b)*

This is a decision on the petition filed September 11, 2003 to correct the inventorship under 37 CFR 1.48.

The petition is granted

In view of the papers filed September 11, 2003, the inventorship of this application has been changed by the deletion of the following inventor: Koh Kimura.

The application will be forwarded to the Office of Initial Patent Examination (OIPE) for issuance of a corrected filing receipt, and correction of the file jacket and PTO PALM data to reflect the inventorship as corrected.

Max Hindenburg
Supervisory Patent Examiner
Art Unit 3736
Patent Examining Group 3700

THOMAS SPINELLI
SCULLY, SCOTT, MURPHY & PRESSER
400 GARDEN CITY PLAZA
GARDEN CITY, NEW YORK 11530

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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DAVID M. SIGMOND
2440 ANDREW DRIVE
SUPERIOR CO 80027

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OCT 0 4 2004

OFFICE OF PETITIONS

In re Application of :
Cheng-Lien Chiang :
Application No. 10/059,686 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No. BDG005-1 :

This is a decision on the petition, filed September 29, 2004, under 37 CFR 1.313(c)(1) 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 due to unpatentability of one or more claims. See 37 CFR 1.313(c)(1).

The application is hereby withdrawn from issue.

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The application is being referred to Technology Center Art Unit 2827.

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
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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

MAILED

JUL 2 1 2010

OFFICE OF PETITIONS

In re Application of :
Garundri, et al. :
Application No. 10/059,737 : DECISION ON PETITION
Filed: 28 January, 2002 :
Attorney Docket No. 010142 :

This is a decision on the petition filed on 1 July, 2010, requesting pursuant to 37 C.F.R §1.182 that the acceptance of the terminal disclaimer filed 15 December, 2009, be withdrawn

NOTE:

On 15 Decembers, 2009, Petitioner's colleague filed a terminal disclaimer (TD), at which time Petitioner's colleague averred 100 percent ownership of the instant application.

Less than seven (7) months later Petitioner seeks withdrawal of the TD based upon an averment that there is not 100 percent ownership of the application.

Thus, Petitioner and his colleague have created significant confusion in the record as to the matter. On any renewed petition, Petitioner must undertake to provide an appropriate clarification of the record, with appropriate supporting documents.

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]

The petition pursuant to 37 C.F.R §1.182 is **DISMISSED**.

[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).

It is noted that, as of this writing, the Examiner(s) in charge of this application has not concurred with the request.

The guidance in the Commentary at MPP §1490 provides in pertinent part:

***

VII.WITHDRAWING A RECORDED TERMINAL DISCLAIMER

If timely requested, a recorded terminal disclaimer may be withdrawn before the application in which it is filed issues as a patent, or in a reexamination proceeding, before the reexamination certificate issues. After a patent or reexamination certificate issues, it is unlikely that a recorded terminal disclaimer will be nullified.

A. Before Issuance Of Patent

While the filing and recordation of an unnecessary terminal disclaimer has been characterized as an "unhappy circumstance" in *In re Jentoft*, 392 F.2d 633, 157 USPQ 363 (CCPA 1968), there is no statutory prohibition against nullifying or otherwise canceling the effect of a recorded terminal disclaimer which was erroneously filed before the patent issues. *>Because< the terminal disclaimer would not take effect until the patent is granted, and the public has not had the opportunity to rely on the terminal disclaimer, relief from this unhappy circumstance may be available by way of petition or by refiling the application (other than by refiling it as a CPA).

Under appropriate circumstances, consistent with the orderly administration of the examination process, the nullification of a recorded terminal disclaimer may be addressed by filing a petition under 37 CFR §1.182 requesting withdrawal of the recorded terminal disclaimer. Petitions seeking to reopen the question of the propriety of the double patenting rejection that prompted the filing of the terminal disclaimer have not been favorably considered. The filing of a continuing application other than a CPA, while abandoning the application in which the terminal disclaimer has been filed, will typically nullify the effect of a terminal disclaimer. The filing of a Request for Continued Examination (RCE) of an application under 37 CFR §1.114 will not nullify the effect of a terminal disclaimer, *>because< a new application has not been filed, but rather prosecution has been continued in the existing application. (Emphasis supplied.)

***

On 15 Decembers, 2009, Petitioner's colleague filed a terminal disclaimer (TD), at which time he averred 100 percent ownership of the instant application.

Nonetheless, only slightly more than six (6) months later Petitioner seeks withdrawal of the TD based upon an averment that there is not 100 percent ownership of the application.

Clearly, Petitioner and his colleague have created significant confusion in the record as to the matter.

Moreover, Petitioner's discussion makes clears that Petitioner's office expressly determined as to prosecution strategy to submit the terminal disclaimer notwithstanding Petitioner's own beliefs that the disclaimer was unnecessary.[2]

On any renewed petition, Petitioner must undertake to provide an appropriate clarification of the record, with appropriate supporting documents and statements.

At this writing, the history of conflict as to Petitioner's representations/intentions herein and the Examiner's present lack of concurrence make the withdrawal of the 15 December, 2009, TD inappropriate.

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.

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.[3]

Accordingly, the petition is **dismissed**.

This application is released to the Technology Center/AU 2626 for further processing in due course.

---

[2] Petition, page 4, third paragraph.

[3] 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).

While telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214, it is noted that all practice before the Office is in writing (see: 37 C.F.R. §1.2[4]) 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/Caller's action(s).

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

[4] The regulations at 37 C.F.R. §1.2 provide:

§1.2 Business to be transacted in writing.

All business with the Patent and Trademark Office should be transacted in writing.The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation,or understanding in relation to which there is disagreement or doubt.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 11

SCHWEGMAN LUNDBERG WOESSNER & KLUTH PA
P O BOX 2938
MINNEAPOLIS, MN 55402

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MAY 19 2004

OFFICE OF PETITIONS

In re Application of :
Qingsheng Zhu et al :
Application No. 10/059,771 : DECISION GRANTING PETITION
Filed: January 28, 2002 : UNDER 37 CFR 313(c)(2)
Attorney Docket No. 279.244US2 :

This is a decision on the petition, filed May 19, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on April 15, 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 3762 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
DW 12-03

Paper No. 6

JURGEN K. VOLLRATH
VOLLRATH & ASSOCIATES
1225 SETTLE AVE.
SAN JOSE, CA 95125

COPY MAILED

DEC 2 9 2003

OFFICE OF PETITIONS

In re Application of	:	
Vollrath et al.	:	
Application No. 10/059,801	:	ON PETITION
Filed: 28 January, 2002	:	
Atty Docket No. VOL001CIP	:	

This is a decision on the petition filed under 37 CFR 1.137(a) on 8 December, 2003, which is treated as a petition to withdraw the holding of abandonment of the above-identified application.

The petition is **GRANTED**.

The application was held abandoned on 26 January, 2003, for failure to timely file a reply to the non-final Office action mailed on 25 October, 2002, which set a three (3) month shortened statutory period for reply. Notice of Abandonment was mailed on 17 October, 2003.

Petitioner asserts that a proper response was timely filed. In support of the petition, petitioner submits a copy of the reply said to have been mailed to but not received in the U.S. Patent and Trademark Office. The document contains a certificate of mailing dated 25 January, 2003, and signed by Jurgen Vollrath. Petitioner has also submitted an affidavit by Jurgen Vollrath stating that a copy of the response to the Office action mailed on 25 October, 2002.

The petition complies with the requires set forth in 37 CFR 1.8(b).

The Notice of Abandonment is **vacated**, and the holding of abandonment is **withdrawn**.

As petitioners have shown proof that a reply to the Office action mailed on 25 October, 2002, was timely filed, the petition under 37 CFR 1.137(a) is unnecessary. Petitioner may request a refund

of the petition fee of $55.00 by writing to the Office of Finance, ATTN: Refund Section. A copy of this decision should accompany petitioners' request.

The address in the petition is different than the correspondence address of record in the file. A courtesy copy of this decision will be mailed to petitioner. All future correspondence, however, will be mailed solely to the correspondence address of record. A change of correspondence address form is enclosed for petitioner's convenience. If the change of correspondence address is to be filed by an assignee, the assignee must establish its right to take action in accordance with 37 CFR 3.73.

The application is being forwarded to Technology Center 3700 for consideration of the amendment filed on 8 December, 2003 (certificate of mailing date 25 January, 2003).

Telephone inquiries concerning this matter may be directed to the undersigned at (703)308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

cc: Jurgen K. Vollrath
Vollrath & Associates
588 Sutter Street #531
San Francisco, CA 94102

Encl: Change of Correspondence Address
Privacy Act Statement

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Martin G. Linihan
Hodgson Russ LLP
Suite 2000
One M&T Plaza
Buffalo NY 14203-2391

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OFFICE OF PETITIONS

In re Patent of	:	
Pocock & Pettman	:	
Patent No. 6,889,796	:	
Issue Date: May 10, 2005	:	Decision on Request
Application No. 10/059,856	:	
Filing Date: January 28, 2002	:	
Attorney Docket No. 018872.00117	:	

This is a decision on the request filed under 37 CFR 3.81(b) to accept the correction of the assignee data after the patent has issued.

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

37 CFR 3.81(b) currently states:

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

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

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

Pursuant to petitioners' authorization, deposit account no. 08-2442 was charged the $130.00 processing fee associated with filing a request under 37 CFR 3.81(b). The same deposit account will be charged the $100.00 Certificate of Correction fee.

Petitioners have met the requirements set forth above. Therefore, the request is granted.

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

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

E. Shirene Willis
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

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

Mail Date: 04/21/2010

Applicant	: Andreas Franz-Josef Kaiser	: DECISION ON REQUEST FOR
Patent Number	: 7638222	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/059,878	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/28/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1217** 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

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OCT 0 5 2006

OFFICE OF PETITIONS

DARBY & DARBY P.C.
P.O. BOX 5257
NEW YORK NY 10150-5257

In re Application of :
Norihito Yasuda et al :
Application No. 10/059,884 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No. 6920/OK170 :

This is a decision on the petition filed September 28, 2006, 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 June 28, 2006, with the issue fee being due on or before September 28, 2006. The petition states that 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 September 28, 2006, 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 2626.

Karen Creasy
Petitions Examiner
Office of Petitions

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Alexandria, VA 22313-1450
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NOV 15 2004

Paper No. 111504

NOTARO AND MICHALOS
100 Dutch Hill Road, Suite 110
Orangeburg, NY 10962-2100

In re Application of:
Claus Heine
Serial No.: 10/059,888
Filed: January 29, 2002
Attorney Docket No.: **H60-079 DIV**

NOTICE OF WITHDRAWAL
FROM ISSUE
UNDER 37 CFR § 1.313

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR § 1.313.

The above-identified application is hereby withdrawn from issue. The Notice of Allowance and Issue Fee Due and the Notice of Allowability mailed October 06, 2003, are hereby vacated.

The application is being withdrawn to permit reopening of prosecution. Prosecution is being reopened to consider a possible interference.

Upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that any previously submitted issue fee be applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund, or a credit to a Deposit Account.

Telephone inquires should be directed to Judy Nguyen at (571) 272-2258.

The above-identified application is being forwarded to the examiner for prompt appropriate action.

Howard N. Goldberg, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No. 111604

Date : November 16, 2004

TO : Director, Office of Patent Publication

FROM : Director, Technology Center 2800

SUBJECT : Withdrawal from Issue of **Application No. 10/059,888**

Application of : Claus Heine
Application No. : 10/059,888
Filed : January 29, 2002

The above-identified application has been assigned Patent No. 6,820,981 and an issue date of November 23, 2004.

The above-identified application has been withdrawn from issue.

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 November 23, 2004:

> "All reference to Patent No. 6,820,981 to Claus Heine of Chur, Switzerland for SPECTRAL LIGHT DIVISION AND RECOMBINATION CONFIGURATION AS WELL AS PROCESS FOR THE SPECTRALLY SELECTIVE MODULATION OF LIGHT appearing in the Official Gazette of November 23, 2004, should be deleted since no patent was granted."

Howard N. Goldberg, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: Paul Harrison; Crystal Park 3, Suite 441 (FAX-703-306-2737)
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, MDE 07C71
Duane Davis (P/OPC), MDE 07D89
Tamara K. Greene, PK3-910

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CROWELL & MORING LLP
INTELLECTUAL PROPERTY GROUP
P.O. BOX 14300
WASHINGTON DC 20044-4300

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OFFICE OF PETITIONS

In re Application of :
CLAUS HEINE :
Application No. 10/059,888 : DECISION ON APPLICATION
Filed: January 29, 2002 : FOR
Atty Docket No. 080310.02896US: PATENT TERM ADJUSTMENT

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT IN NOTICE OF ALLOWANCE UNDER 37 C.F.R. § 1.705(b)," filed October 9, 2007. Applicant requeststhat the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from 596 days to 897 days.

The application for patent term adjustment is **GRANTED**.

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 is **897 days**. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On July 24, 2007, 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 596 days. Applicant timely filed the instant application for patent term adjustment[1]. Applicant states that the application is not subject to a terminal disclaimer. Applicant asserts that the Office should have been assessed a delay of 301 days for failure to act on the application not later than four months after the date of the decision by the Board of Patent Appeals and Interferences under 35 U.S.C. 135. See 37 CFR 1.702(a)(3).

[1] Office records indicate that the Issue Fee payment was received on October 9, 2007.

A review of the record reveals that the initial patent term adjustment determination is incorrect. The Office mailed a final decision by the Board of Patent Appeals and Interferences on May 26, 2006. Thereafter, the Office mailed a notice of allowance on July 24, 2007. Thus, the Office should be assessed an additional delay of 301 days, the number of days in the period beginning on the day after the date that is four months after the date of the final decision by the Board of Patent Appeals and Interferences, September 27, 2006, and ending on the mailing date of the notice of allowance, July 24, 2007. See 37 CFR 1.703(a)(5).

In view thereof, the correct determination of patent term adjustment at the time of the mailing of the notice of allowance is **897 days** (897 days of Office delay - 0 days of applicant delay).

The Office acknowledges receipt of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Applicant is reminded that any delays by the Office pursuant to 37 CFR 1.702(a)(4) and 1.702(b) and any applicant delays under 37 CFR 1.704(c)(10) will be calculated at the time of the issuance of the patent and applicant will be notified in the Issue Notification letter that is mailed to applicant approximately three weeks prior to issuance.

The Office of Data Management has been advised of this decision. This matter is being referred to the Office of Data Management for issuance of the patent.

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

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

Enclosure: Copy of REVISED PAIR Screen

Day : Sunday
Date: 7/20/2008

PALM INTRANET

Time: 10:58:55

PTA Calculations for Application: 10/059888			
Application Filing Date:	01/29/2002	PTO Delay (PTO):	596
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	0
Post-Issue Petitions:	0	Total PTA (days):	897
PTO Delay Adjustment:	301		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
62	07/20/2008	ADJUSTMENT OF PTA CALCULATION BY PTO	301		
49	07/24/2007	MAIL NOTICE OF ALLOWANCE			
48	07/23/2007	ISSUE REVISION COMPLETED			
47	07/23/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
46	07/18/2007	ALLOWED CASE RETURNED TO THE EXAMINER FOR CLERICAL PROCESSING			
45	07/18/2007	DOCUMENT VERIFICATION			
44	07/09/2007	NOTICE OF ALLOWABILITY			
43	05/26/2006	MAIL INTERFERENCE DECISION - FAVORABLE			
42	05/26/2006	INTERFERENCE DECISION ON PRIORITY - FAVORABLE	408		41
41	04/13/2005	DECLARATION OF INTERFERENCE			
40	04/06/2005	INTERFERENCE COMMUNICATION: INITIAL MEMO DISPOSAL			
39	02/16/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
38	12/08/2004	DATE FORWARDED TO EXAMINER			
37	12/08/2004	TO CLOSE THE A/R RECORD AND RESET THE STATUS FOR EXPIRED SUSPENSIONS.			
36	11/29/2004	DATE FORWARDED TO EXAMINER			
35	11/29/2004	WITHDRAWAL OF NOTICE OF ALLOWANCE			
34	11/16/2004	WITHDRAWAL PATENT CASE FROM ISSUE			
33	11/04/2004	ISSUE NOTIFICATION MAILED			
32	11/23/2004	PATENT ISSUE DATE USED IN PTA CALCULATION			
31	10/26/2004	RECEIPT INTO PUBS			
30	10/22/2004	DISPATCH TO FDC			

29	10/22/2004	APPLICATION IS CONSIDERED READY FOR ISSUE			
28	01/02/2004	ISSUE FEE PAYMENT VERIFIED			
27	10/21/2004	RECEIPT INTO PUBS			
26	09/14/2004	WORKFLOW - QUERY REQUEST - FINISH			
25	09/08/2004	RECEIPT INTO PUBS			
24	09/03/2004	WORKFLOW - QUERY REQUEST - BEGIN			
23	09/03/2004	WORKFLOW - QUERY REQUEST - FINISH			
22	08/23/2004	RECEIPT INTO PUBS			
21	08/20/2004	WORKFLOW - FILE SENT TO CONTRACTOR			
20	08/20/2004	RECEIPT INTO PUBS			
19	08/20/2004	MAIL MISCELLANEOUS COMMUNICATION TO APPLICANT			
18	08/19/2004	MISCELLANEOUS COMMUNICATION TO APPLICANT - NO ACTION COUNT			
17	01/02/2004	ISSUE FEE PAYMENT RECEIVED			
16	10/12/2003	DISPATCH TO PUBLICATIONS			
15	10/06/2003	DISPATCH TO PUBLICATIONS			
14	10/06/2003	MAIL NOTICE OF ALLOWANCE			
13	10/02/2003	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
12	10/02/2003	NOTICE OF ALLOWABILITY			
11	10/03/2003	MAIL LETTER OF SUSPENSION	188		-1
10	10/02/2003	LETTER OF SUSPENSION - EXAMINER INITIATED			
8	05/02/2002	CASE DOCKETED TO EXAMINER IN GAU			
7	01/29/2002	PRELIMINARY AMENDMENT			
6	04/01/2002	APPLICATION DISPATCHED FROM OIPE			
5	03/29/2002	APPLICATION IS NOW COMPLETE			
4	03/20/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
3	03/12/2002	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
2	02/13/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	01/29/2002	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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DURECT CORPORATION
THOMAS P. MCCRACKEN
2 RESULTS WAY
CUPERTINO CA 95014

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OFFICE OF PETITIONS

In re Patent No. 6,824,532 :
Issue Date: November 30, 2004 :
Application No. 10/059,895 : DECISION ON PETITION
Filed: January 28, 2002 :
Attorney Docket No. DURE-002DIV :

This is a decision on the petition under 37 CFR 1.378(c), filed January 26, 2009 to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on December 1, 2008 for failure to pay the three and one-half year maintenance fee. Since this petition was submitted within twenty-four months after the six-month grace period provided in 37 CFR 1.362(e), the petition was timely filed under the provisions of 37 CFR 1.378(c).

The maintenance fee is hereby accepted and the above-identified patent is reinstated as of the mail date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-7751.

Joan Olszewski
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
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WASHINGTON, DC 20231
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Pager No. 6

Andre M. Gibbs
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
12400 Wilshire Boulevard
Seventh Floor
Los Angeles, CA 90025-1026

MAIL

JUL - 1 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
SHELDON BREINER
Application No. 10/059,901
Filed: January 28, 2002
For: KIT FOR RECORDING OR TRANSMITTING INFORMATION OF A NOTE IN FREEHAND

: DECISION ON PETITION TO MAKE SPECIAL
: 37 CFR 1.102

This is a decision on the petition under 37 C.F.R. §1.102, filed January 28, 2002, to make the above-identified application special.

Petitioner requests that the above-identified application by made special under the accelerated examination procedure set forth in M.P.E.P. §708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. §1.102 and in accordance with M.P.E.P. §708.02, IV must include a showing, as by a birth certificate or applicant's statement, that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes a declaration showing that he is sixty five (65) years of age or more.

Accordingly, the petition is GRANTED.

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

If the examiner can make this application special without prejudice to any possible interfering applications, and he should make a rigid search for such, he is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, she should consider such application simultaneously with this application and should state in the official letter of such application that she is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application becomes involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

The petition is ***GRANTED*** the extent indicated.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 9

SHEARMAN & STERLING
INTELLECTUAL PROPERTY DOCKETING
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NEW YORK, NY 10022

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SEP 22 2003

OFFICE OF PETITIONS

In re Application of :
Klein, et al. :
Application No. 10/059,914 : ON PETITION
Filed: January 28, 2002 :
Attorney Docket No. 08169/131 US :

This is a decision on the petition under 37 CFR 1.182, filed July 31, 2003, to change the order of the names of the inventors.

The petition is granted.

The order of the names of the inventors will be changed as follows:

1. DAVID M. KLEIN

2. STEVEN ORRIN

3. YITZCHAK KATZ

4. DAVID E. BOUNDY

This application will be forwarded to Technology Center 2100 for examination in due course.

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

Paper No. 8

HEWLETT-PACKARD COMPANY
INTELLECTUAL PROPERTY ADMINISTRATION
PO BOX 272400
FORT COLLINS, CO 80528-9599

In re Application of Beatty et al. Application No. 10/059,942 Deposited: January 28, 2002 Attorney Docket Number: 10970794	DECISION GRANTING-IN-PART PETITION
In re Application of Beatty et al. Application No.10/060,035 Filed: January 31, 2002 Attorney Docket Number: 10970794	DECISION MERGING FILES

According to the PTO records, Application Nos. 10/059,942 and 10/060,035 are both continuation applications of Application No. 09/378,230. The petition requests that Application No. 10/059,942 be accorded a filing date of January 28, 2002, and that the 2 application files be merged.

Background

Applicants deposited on January 28, 2002[1] a "Request for a Continuing Application under 37 CFR1.53(b)" ("1/28/02 Request") along with a copy of the "Declaration and Power of Attorney for Patent Application" from the parent application, and a Preliminary Amendment which contains at least 1 claim but not other components required for receiving a filing date.[2] In response to a March 6, 2002 Notice of Incomplete Nonprovisional Application mailed by the Office of Initial Patent Examination (OIPE), a copy of the parent application (specification including claims; drawings) was submitted on March 25, 2002. Accordingly, this application, assigned No. 10/059,942, was accorded that filing date.

Application No. 10/060,035, upon receipt in the PTO on January 31, 2002, included, *inter alia*, a copy of the parent application (specification including claims; drawings). The PTO relied on the "Express Mail" Certificate of Mailing contained in the transmittal letter and accorded that application a January 28, 2002 filing date.

The petition asserts that the papers assigned No. 10/060,035 were actually intended for supplementing the 1/28/02 Request in order to complete the continuation application.

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[1] As confirmed from www.usps.gov, the 1/28/02 Request, bearing a U.S. Express Mail mailing label number **ET 616070751 US**, was deposited on 1/28/02.

[2] Namely, a specification as prescribed by 35 U.S.C. 112 that meets the enablement and best mode requirements. Drawings are not required for filing date purposes here because the Preliminary Amendment contains at least 1 method claim. See MPEP 601.01(f) (Aug. 2001).

Application No. 10/060,035

As explained below, **Application No. 10/060,035 was not properly filed in accordance with 37 CFR 1.10 even though it was complete for purposes of filing date when received in the PTO on January 31, 2002.**

Under 37 CFR 1.6(a), correspondence received in the PTO is stamped with the date of receipt. Certain exceptions exist, one being that correspondence filed in accordance with §1.10 will be considered filed on the date of deposit as "Express Mail" in the USPS. Should there be a discrepancy between the USPS date of deposit and an accorded filing date, one may petition for a filing date as of the §1.10 date of deposit by showing that the number of the "Express Mail" mailing label was placed on the paper(s) that constitute the correspondence prior to the mailing by "Express Mail."[3]

According to the Office records, Application No. 10/060,035 was deposited as "Express Mail" in the USPS on January 28, 2002 under mailing label number **ET209954844US**. Unfortunately, the transmittal letter includes a "Certificate of Mailing by 'Express Mail' under 37 CFR 1.10" that bears a different mailing label number, **ET616070751US**. Therefore, this certificate of mailing is ineffective, in that, Application No. 10/060,035 was deposited **without the true mailing label number** and, consequently, is only entitled to a filing date of January 31, 2002, the day it was received in the PTO.[4]

Application No. 10/059,942

The 2 continuing applications contain identical attorney docket number, inventors, and title of the invention.[5] Moreover, the transmittal letter for the papers assigned No. 10/060,035 is entitled "Transmittal of Prior Application for Continuation Application Filed Today" and unequivocally states that these papers were inadvertently not included with those filed earlier on the same day. The Office thus concludes that the papers assigned No. 10/060,035 were misconstrued by OIPE as a new application. These papers have been transferred to the file of Application No. 10/059,942 where they properly belong.

In summary, the petition is **granted-in-part**, in that, while the 2 files have been merged as

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[3] See 37 CFR 1.10(c); MPEP section 513 (Aug. 2001).

[4] See MPEP section 513 (Aug. 2001) "EXPRESS MAIL" MAILING LABEL NUMBER, quoting Nitto Chemical Industry Co., Ltd. V. Comer, 39 U.S.P.Q.2d 1778, 1782 (D.D.C. 1994) (Commissioner's refusal to waive requirements of 37 CFR 1.10 [under 37 CFR 1.183] in order to grant priority filing date to patent application not arbitrary and capricious, because failure to comply with the requirements of 37 CFR 1.10 is an "avoidable" oversight that could have been prevented by the exercise of ordinary care or diligence, and thus not an extraordinary situation under 37 CFR 1.183.).

[5] A Supplemental Preliminary Amendment to Application No. 10/059,942, filed on 3/25/02, changed the invention title.

requested, Application No. 10/059,942 as it existed upon filing[6] is not accorded the requested filing date of January 28, 2002; rather, the application papers (present on filing) in conjunction with those of Application No. 10/060,035 are hereby accorded a filing date of January 31, 2002.[7]

The $130 petition fee will not be refunded as requested because the incomplete filing which resulted in the initial filing date of March 25, 2002 was not necessitated by any error of the PTO.[8]

Finally, the practitioner signing the instant petition uses a correspondence address different from that in the Office records, and does not appear to have a power of attorney from the assignee. While a courtesy copy of this decision is being sent to this practitioner, all future correspondence concerning this application will be mailed to the address-of-record unless the PTO is properly instructed otherwise.

The file of application No. 10/060,035 is being forwarded to OIPE for removing that application from the roster of active application numbers. The April 8, 2002 Notice to File Missing Parts of Nonprovisional Application, concerning missing oath or declaration, is hereby vacated since one was submitted with the papers assigned No. 10/059,942 on January 28, 2002.

The file for application No. 10/059,942 is being returned to OIPE for further processing with a filing date of January 31, 2002, for issuance of a corrected Filing Receipt, for indication in PTO records that 4 sheets of drawings were present on filing, and for establishing continuity with application No. 09/378,230. Thereafter, the application will be forwarded to Technology Center 1700 for examination in due course.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.

E. Shirene Willis for

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

cc: Steven J. Adamson, PC
PO BOX 5997
Portland, OR 97228

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[6] I.e., the 1/28/02 Request; the copy of the Declaration and Power of Attorney for Patent Application from the parent application; and the Preliminary Amendment.

[7] The 3/25/02 Supplemental Preliminary Amendment filed in Application No. 10/059,942 is not in Application No. 10/060,035, and retains the 3/25/02 submission date.

[8] The $740 basic filing fee and the $84 extra claims fees for application No. 10/060,035, previously charged to this deposit account, were credited to the same account on 8/28/02.

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CALFEE HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND OH 44114

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OFFICE OF PETITIONS

In re Application of :
Rikihisa, et al. :
Application No. 10/059,964 : NOTICE
Filed: January 28, 2002 :
Attorney Docket No. 22727/04109 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed September 27, 2004 (certificate of mailing date September 22, 2004). 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**. Office records have been changed to show this application has large entity status.

This file is being forwarded to Publications Division.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Naval Research Laboratory
Associate Counsel (Patents) Code 1008,2
4555 Overlook Avenue, S. W.
Washington, DC 20375

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OFFICE OF PETITIONS

In re Application of :
Daniel Bubb, et al. :
Application No. 10/059,978 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No. NC 82,974 :

This is a decision on the petition under 37 CFR 1.137(b), filed March 18, 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) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lacks item(s) 1.

A final Office action was mailed to applicant on August 16, 2004, which set a three (3) month shortened statutory period for reply. Since no reply was received and no extensions of time were obtained, the application became abandoned on November 17, 2004. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee 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 1.114, or the filing of a continuing application. See MPEP 711.03(c)(III)(A)(2). While petitioner has provided a proposed reply, the amendment submitted does not *prima facie* place the application in condition for allowance, the reply required must be a Notice of Appeal (and appeal fee), an RCE under 37 CFR 1.114, or the filing of a continuing application. A copy of the Examiner's Advisory Action is enclosed herewith.

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 **(703) 872-9306.**

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

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

cc: Examiner's Advisory Action

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Naval Research Laboratory
Associate Counsel (Patents) Code 1008,2
4555 Overlook Avenue, S. W.
Washington, DC 20375

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SEP 15 2005

OFFICE OF PETITIONS

In re Application of :
Daniel Bubb, et al. :
Application No. 10/059,978 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No. NC 82,974 :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed August 4, 2005, 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 Notice of Appeal; (2) the petition fee of $1500; and (3) an adequate statement of unintentional delay.

The two-month period for filing an appeal brief under 37 CFR 41.37 (accompanied by the fee required by 37 CFR 41.20(b)(2, runs from the date of this decision.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3223.

The application file is being forwarded to Technology Center 1700.

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
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Paper No. 10

STMicroelectonics, Inc.
Mail Station 2346
1310 Electronics Drive
Carrollton, TX 75006

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JUL 2 2 2004
OFFICE OF PETITIONS

In re Application of :
Danielle A. Thomas :
Application No. 10/059,982 :
Filed: January 29, 2002 :
Attorney Docket No. 98-C-152C1 (STMI01-00043) :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 21, 2004, to revive the above-identified application.

The petition is **GRANTED**.

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

The application file is being forwarded to Technology Center 2800.

Marianne E. Jenkins

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

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MILTON S. SALES
PATENT LEGAL STAFF
EASTMAN KODAK COMPANY
343 STATE STREET
ROCHESTER, NY 14650-2201

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OFFICE OF PETITIONS

In re Application of :
Vishwas G. Abhyankar, et al. :
Application No. 10/059,994 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No. 83527NAB :

This is a decision on the petition under 37 CFR 1.137(b), filed August 22, 2005, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed December 2, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on March 3, 2005.

The substitute drawings submitted on December 21, 2004 has been approved by the Draftsperson under 37 CFR 1.84 or 1.152.

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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROPES & GRAY LLP
PATENT DOCKETING 39/361
1211 AVENUE OF THE AMERICAS
NEW YORK, NY 10036-8704

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SEP 15 2008

OFFICE OF PETITIONS

In re Application of Hunziker :
Application No. 10/060,009 : Decision on Petition
Filing Date: January 30, 2002 :
Attorney Docket No. S/266 :

This is a decision on the "Request Under 37 C.F.R. §1.8(b)" filed February 12, 2008, which is being treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment of the above-identified application. The petition is filed in the alternative under 37 CFR 1.137(b).

The petition under 37 CFR 1.181 is **dismissed**.

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

Facts:

The Office mailed a final Office action on July 10, 2007. The Office action set a three-month time period for reply.

Petitioner filed three divisional applications based on the instant application on October 12, 2007. On the same date, petitioner submitted payment for a one-month extension of time in the instant case to ensure copendency between the applications.

On October 30, 2007, petitioner attempted to submit, by facsimile transmission, a RCE, request for an extension of time, and submission in the form of an amendment, to the Office.

The October 30, 2007 transmission report stated, "ERROR TX REPORT" and "TX FUNCTION WAS NOT COMPLETED."

The transmission report also indicates the send entered a recipient address of "95712728300."

The Office did not receive the October 30, 2007. As a result, the application became abandoned on Tuesday, November 14, 2007.[1]

[1] Monday, November 12, 2007, was a federal holiday.

The petition under 37 CFR 1.181:

In order to prove a paper was timely facsimile transmitted to the Office pursuant to 37 CFR 1.8(b), one must, at a minimum, demonstrate the destination facsimile number was properly entered.

Although petitioner does not address the reason the transmission was unsuccessful, such reason was likely the fact the number entered was "95712738300" instead of "915712738300."

Since petitioner has not shown the transmission was "properly addressed" by sending the transmission to the correct number, the holding of abandonment will not be withdrawn.

Since the petition under 37 CFR 1.181 is being denied above, the Office will not address the issue of whether the petition would be grantable, despite the report stating the transmission was unsuccessful, if the number had been properly entered.

The petition under 37 CFR 1.137(b):

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,
(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.

Petitioner has satisfied the requirements above. Therefore, the petition is granted and the application is revived.

Fees:

The papers filed with the petition included a copy of the October 30, 2007, request for a one-month extension of time. Based on the paper, the Office inadvertently and improperly charged petitioner $60 for a one-month extension of time. The $60 has been credited back to deposit account no. 18-19945.

Per the fee authorization in the petition, the $770 fee for the petition under 37 CFR 1.137(b) has been charged to deposit account no. 06-1075.

Conclusion:

Petitioner has failed to establish the petition to withdraw the holding of abandonment should be granted. Therefore, the application has been revived pursuant to 37 CFR 1.137(b).

Technology Center Art Unit 1633 will be informed of the instant decision and the application, including the RCE and amendment filed February 12, 2007, will be further examined in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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)
6754820	2004-06-22	10060011	2002-01-30	STSPT40

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

SMALL ENTITY

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

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/thomas champagne/	Date (YYYY-MM-DD)	2009-09-25
Name	Thomas Champagne	Registration Number	36478

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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In re Patent No. 6754820
Issue Date: June 22,2004
Application No. 10060011
Filed: January 30,2002
Attorney Docket No. STS 140

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

This is a decision on the electronic petition, filed September 25,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 25,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov
DIW 07-02

Paper No. 7

#7

MERCHANT & GOULD PC
P.O. BOX 2903
MINNEAPOLIS MN 55402-0903

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JUL 1 8 2002

OFFICE OF PETITIONS

In re Application of :
Tyers et al. :
Application No. 10/060,019 : ON PETITION
Filed: 29 January, 2002 :
Attorney's Docket No. 11757.10USC1 :

Receipt is acknowledged of the petition filed on 11 June, 2002, styled under 37 CFR 1.182 concerning the U.S. Patent and Trademark Office's handling of an application assigned application Serial No. 10/060,019.

The petition is dismissed.

The application was filed on 29 January, 2002. However, on 10 April, 2002, Initial Patent Examination Division mailed a "Notice" stating, *inter alia*, that the application had been accorded a filing date of 29 January, 2002, and advising applicant that Figure 5C described in the specification appeared to have been omitted.

In response, the present petition was filed on 11 June, 2002 (certificate of mailing date 10 June, 2002). Petitioners explain that Figure 5C was not missing on 28 June, 2001. Instead, the Figure intended to be labelled Figure 5C was present, but inadvertantly labelled Figure 4C. Petitioners also state that several other figures have been mislabelled and have submitted hand-corrected copies of the drawing sheets, as well as a copy of Page 7 of the specification.

It is obvious from the petition that no drawings were actually missing on 29 January, 2002. Rather, the drawing of Figure 5C was simply mislabeled as a result of the applicant's filing error. However, the "Notice" mailed on 10 April, 2002, was correct in stating that Figure 5C described in the specification appeared to have been omitted. Therefore, the "Notice" was properly mailed and will not be withdrawn.

The present petition was not necessitated by any error on the part of the Office and the $130.00 petition was required upon

filing of the petition. Thus, the $130.00 petition fee will not be refunded.

The application will be processed and examined using the application papers filed on 29 January, 2002. The copies of the drawing figures and Page 7 of the specification supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

Petitioners should file a preliminary amendment correcting the drawings prior to the first Office action.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 29 January, 2002, using the application papers filed on that date.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 308-6918.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

In re Application of	:	
Sumner, et al.	:	DECISION GRANTING PETITION
Application No. 10/060,020	:	UNDER 37 CFR 1.137(b)
Filed: January 29, 2002	:	
Docket No.: 113041.125	:	

This decision is in response to the petition under 37 CFR 1.181, filed May 15, 2006.

The petition is **GRANTED**.

The above-identified application was held abandoned January 27, 2006 for failure to timely submit a proper reply to the non-final Office action mailed October 26, 2005. The non-final Office action set a three month shortened statutory period of time for reply. Applicants have provided a copy of a Notice of Abandonment dated May 1, 2006.

Petitioners allege that a response to the non-final Office action and a petition for extension of time were timely submitted April 25, 2006. Petitioners have provided copies of the response alleged to have been timely submitted along with a copy of a date stamped return postcard.

Petitioners arguments have been carefully considered and found convincing. Moreover, the response to the non-final Office action, received April 27, 2006 (certificate of mailing date of April 25, 2005), has been located in the official application file.

Accordingly, the Notice of Abandonment is vacated and the holding of abandonment is withdrawn.

This application is being forwarded to Technology Center 2600 for further processing.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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THOMPSON & KNIGHT LLP
PATENT PROSECUTION GROUP
1700 PACIFIC AVENUE, SUITE 3300
DALLAS, TX 75201

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JAN 0 2 2008

OFFICE OF PETITIONS

In re Application of :
William E. Sonnier et al :
Application No. 10/060,022 : DECISION ON PETITION
Filed: January 28, 2002 :
Attorney Docket No. :
503472.000009

This is a decision on the petition under 37 CFR 1.137(b), filed May 29, 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.

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 21, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, the application became abandoned on June 22, 2003. A Notice of Abandonment was mailed on March 25, 2004.

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). In view of the inordinate delay in this case, there is a question as to whether the entire delay was unintentional.

The petition is accompanied by a copy of the reply allegedly mailed by certificate of mailing on September 21, 2003, along with a copy of a request for a three (3) month extension of time. Additionally, the petition is accompanied by a copy of a petition to revive and a terminal disclaimer alleged to have been mailed via certificate of mailing on September 15, 2004. Additionally, copies of status inquiries concerning the status of this application dated July 20, 2005 and February 15, 2005 also accompany the present petition to revive. The copies of the documents submitted with the petition were allegedly mailed by the previous attorney of record, Ms. Susan M. Ben-Oliel. However, none of these documents are of record in the file, nor is there any indication that these documents were received in the USPTO.

While the petition is accompanied by copies of the alleged previous mailing of the reply, extension of time, petition to revive, terminal disclaimer, and status inquiries, there is no statement from Ms. Ben-Oliel, the prior attorney of record, attesting on a personal knowledge basis as to the previous mailing of these documents. It is rather unusual for none of these documents to have reached the file record of this application. Therefore, a statement is required from Ms. Susan M. Ben-Oliel as to her knowledge of the previous mailing of these documents, any proof of receipt of these documents in the USPTO, such as a stamped return postcard, copies of the checks stated to have been submitted with the reply for the extension of time and petition to revive, and any other evidence which would support a showing that these documents were in fact mailed on the stated dates. Further, as Ms. Oliel has a Canadian address, Ms. Oliel should state whether in fact these documents were deposited with the U.S. Postal Service as required by 37 CFR 1.8(a). Additionally, statements are required from Ms. Oliel as to steps taken when it was learned that the USPTO did not receive the reply and the petition to revive. While it is noted that status inquiries appear to have been made, the mailing of these inquiries are not substantiated by the record of this case. Further, as status inquiries are shown to have allegedly been made on February 15, 2005 and July 20, 2005, the record fails to shown any further affirmative action taken for approximately two years in seeking revival of this application. For these reasons, the record fails to support a showing that "the entire delay in

filing the required reply from the due date of the reply to the filing of a grantable petition was unintentional."

An 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).

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.**

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

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218 or to the Office of Petitions Help Desk at (571) 272-3282 after January 3, 2008.

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
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OFFICE OF PETITIONS

THOMPSON & KNIGHT, L.L.P.
PATENT PROSECUTION GROUP
1700 PACIFIC AVENUE, SUITE 3300
DALLAS TX 75201

Paper No. 13

In re Application of :
Willaim E. Sonnier et al :
Application No. 10/060,022 : ON PETITION
Filed: January 28, 2002 :
Attorney Docket No. forbes-pitchextr :

This is a decision on the renewed petition under 37 CFR 1.137(b), filed February 29, 2008, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to reply in a timely manner to the non-final Office action mailed March 21, 2003 which set a shortened statutory period for reply of three (3) months. No extensions of time were obtained under the provisions of 37 CFR 1.136(a). Accordingly, by operation of law, the above-identified application became abandoned on June 22, 2003.

The petition decision mailed January 2, 2008 indicates the petition under 37 CFR 1.137(b) filed May 29, 2007 was dismissed as failing to provide a proper statement of unintentional delay.

The petition decision required a statement from Ms. Susan M. Ben-Oliel who is the person who signed the certificates of mailing of the various papers that were allegedly mailed to but never received by the Patent Office. The renewed petition includes a declaration by Ms. Ben-Oliel concerning the mailing of the various papers that were not received by the Patent Office.

The renewed petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee of $1,500; (3) the required statement of unintentional delay have been received. Accordingly, the amendment is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Carl Friedman at (571) 272-6842.

The application file is being referred to Technology Center Art Unit 1616 for consideration of the amendment in due course.

for David Bucci
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

DAVID G. HENRY
900 WASHINGTON AVENUE, 7TH FLOOR
P.O. BOX 1470
WACO, TX 77603-1470

In re Application of :
Gerald Lacour, et al. :
Application No. 10/060,027 : ON PETITION
Filed: January 28, 2002 :
Attorney Docket No. SMARTEYE.PAT :

This is a decision in response to the petition under 37 CFR 1.137(b), filed April 9, 2009, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue and publication fees on or before March 16, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed December 15, 2008, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 20, 2009. A Notice of Abandonment was subsequently mailed on April 9, 2009. In response, on April 9, 2009, the present petition was filed.

The petition is not signed by an attorney or agent of record; however, in accordance with 37 CFR 1.34(a), the signature of B. Dell Chism appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, if Mr. Chism desires to receive future correspondence regarding this application, the appropriate power of attorney or authorization of agent must be submitted. All future correspondence regarding this application file will be directed solely to the address of record.

Petitioners request that the application be revived for consideration of a Request for Continued Examination (RCE) under 37 CFR 1.114. However, in an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply under 37 CFR 1.137(b) must be the payment of the issue fee or any outstanding balance thereof. Accordingly, the $755 issue fee is being charged to counsel's deposit account as authorized.

Further, 37 CFR 1.137(b)(3) requires a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. While the statement is not made by an attorney of record, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz.

Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

The petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, the application is revived for consideration of a submission under 37 CFR 1.114 (request for continued examination).

Petitioner is advised that the issue fee paid in the above-identified application cannot be refunded. However, if the above-identified application is again allowed, petitioner may request that the issue fee paid on April 9, 2009, be applied towards the issue fee required by the new Notice of Allowance.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3204.

The application file is being forwarded to Technology Center AU 3627 for further processing of the request for continued examination under 37 CFR 1.114 filed April 9, 2009.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: B. DELL CHISM
PATTON BOGGS LLP
8484 WESTPARK DRIVE, 9TH FLOOR
MCLEAN, VA 22102

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

Townsend and Townsend and Crew, LLP
Two Embarcadero Center
Eighth Floor
San Francisco, CA 94111-3834

MAIL

JUL 2 6 2002

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

In re Application of:
Yangbin WANG
Application No. 10/060,034
Filed: January 28, 2002
For: METHOD, APPARATUS AND SYSTEM FOR TRANSMITTING COMPRESSED DIGITAL MEDIA IN A SECURED MANNER

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed July 2, 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**.

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.

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. 9

W. Edward Johansen
11661 San Vicente Boulevard
Los Angeles, CA 90049

COPY MAILED

JUL 17 2003

OFFICE OF PETITIONS

In re Application of
Eugene Czerwinski
Application No. 10/060,038
Filed: January 29, 2002
Attorney Docket No. CERWIN#14(CIP)

DECISION ON PETITION

This is a decision on the petition under 37 CFR § 1.137(b), filed June 16, 2003, to revive the above-identified application.

The petition is **granted**.

This application became abandoned on September 10, 2002, for failure to timely file an appropriate response to the "Notice to File Missing Parts of Nonprovisional Application" (the "Notice") mailed April 9, 2003, which set a shortened period for reply of two (2) months from its mailing date. Petitioner filed a response to the Notice on September 13, 2002 that included the oath or declaration, substitute drawings, the filing fee, and surcharge for the late filing of the oath or declaration. Petitioner also obtained an extension of time within the third month. The Office mailed a Notice of Incomplete Reply on September 26, 2002, indicating that the drawings filed were deficient and requiring replacement drawings. The Notice of Incomplete Reply indicated ,that the period for reply continued from the date set forth in the Notice to File Missing Parts of Nonprovisional Application. No response was received within the allowable period, and the application became abandoned on September 10, 2002.

The replacement drawings filed March 4, 2003, are noted and made of record.

The application is being forward to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

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

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6845453	2005-01-18	10060039	2002-01-30	STSPT39

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

SMALL ENTITY

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

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/thomas champagne/	Date (YYYY-MM-DD)	2009-09-11
Name	Thomas Champagne	Registration Number	36478

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. 6845453
Issue Date: January 18,2005
Application No. 10060039
Filed: January 30,2002
Attorney Docket No. STS 139

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

This is a decision on the electronic petition, filed September 11,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of September 11,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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STERNE, KESSLER, GOLDSTEIN & FOX
1100 NEW YORK AVENUE, N.W.
WASHINGTON DC 20005

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Sanjiv Garg et al :
Application No. 10/060,086 :
Filed: January 31, 2002 :
Attorney Docket No. 2047.0600007 :

This is a decision on the petition, filed February 2, 2007, and resubmitted on February 5, 2007, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED.**

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on December 13, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

The examiner of Technology Center AU 2154 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Brinkley, McNerney, Morgan Solomon & Tatum, LLP
New River Center
Suite 1800
200 East Las Olas Blvd.
Fort Lauderdale, FL 33301

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APR 25 2005

OFFICE OF PETITIONS

In re Application of	:	
Gary P. Belford	:	
Application No. 10/060,088	:	ON PETITION
Filed: January 30, 2002	:	
Attorney Docket No. 7170-01627	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 12, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 11/034,433.

The above application file is being referred to Files Repository.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JUL 18 2006

OFFICE OF PETITIONS

GARLICK HARRISON & MARKISON LLP
P.O. BOX 160727
AUSTIN TX 78716-0727

In re Application of:
DEMAS, Jason, C., et al.
Application No.: 10/060,118
Filed: January 29, 2002
Atty's Docket No.: BP2068
Title: ERROR CONCEALMENT FOR MPEG DECODING WITH PERSONAL VIDEO RECORDING FUNCTIONALITY

DECISION ON PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed January 30, 2006 to revive the above-entitled application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper and timely reply to the Office communication mailed May 26, 2005, which required applicant to make a proper election of species and which set an extendable period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained and, as set forth in the Notification Of Abandonment mailed January 25, 2006, a subsequent submission made by applicant on July 26, 2005 "failed to comply with election requirements." Accordingly, the above-identified application became abandoned at midnight on June 26, 2005.

The present petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it includes: (1) the reply in the form of a submission that includes the required election of species; (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the reply to the final Office action (in the form of the required election of species) is accepted as having been unintentionally delayed.

The application file is being referred to Technology Center AU 2613.

Telephone inquiries concerning this decision should be directed to Richard M. Ross at (571) 272-3296 or, in his absence, the undersigned at (571) 272-3217.

Brian Hearn
Petitions Examiner
Office Of Petitions

#9 DW

UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 30 2004

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

John David Melius
2725 Vista Court
Waldorf, MD 20603

JAN 30 2004

OFFICE OF THE DIRECTOR
TC 3600

In re Application of
John David Melius
Application No. 10/060,142
Filed: February 1, 2002
For: ERGONOMIC SWIM FIN APPARATUS

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 September 26, 2003. This communication is being treated as a petition to withdraw the holding of abandonment.

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

A review of the file record reveals that an Office action was mailed to applicant at the address of record on February 14, 2003. Since a response to the February 14, 2003 Office action has not been received, the application was held abandoned and a Notice of Abandonment was mailed September 23, 2003.

There is a strong presumption that mail properly addressed and delivered to the United States Postal Service was in fact delivered to the addressee. An allegation that an Office communication was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. However, the presumption that the Office communication was delivered to applicant may be overcome by a showing that the communication was not, in fact, received as indicated below.

Applicant's (in this case the inventor, Mr. John Melius) statements of non-receipt should include a statement by him, and by anyone else at applicant's correspondence address, who would have handled the Office communication, and include any available documentary evidence of mail received, covering a reasonable period after the date of the Office communication, to show non-receipt of the communication in question. Copies of records on which the receipt date of the Office communication would have been entered had it been received, (*e.g.*, a copy of the outside of the file maintained by applicant), are required if available. Also, a showing of any docket records *or other method* which would serve as a reminder of a response due date should be submitted. Whatever method applicant uses as a reminder, and submits in response to this decision should be adequately explained. Also, a statement is required that a search of the file maintained by applicant, or any other location where correspondence from the USPTO is kept, failed to find a copy of the Office communication in question. Finally, applicant must state that he was in fact at the correspondence address of record at the time the Office action would have been received.

Any such exhibits should be submitted as part of statement(s) showing that no Office communication was ever received.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181" and should be mailed to the Commissioner for Patents, P.O. Box 1450, Technology Center 3600, Alexandria, VA 22313-1450.

Randolph A Reese

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

RAR/cps: 1/15/04

UNITED STATES PATENT AND TRADEMARK OFFICE

#11 DW

MAY 24 2004

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

MAY 24 2004

OFFICE OF THE DIRECTOR
TC 3600

Donald Grant Kelly
INTELLECTUAL ASSET MANAGEMENT ASSOCIATES,LLC
515 King Street, Suite 420
Alexandria VA 22314

In re Application of :
John David Melius :
Application No. 10/060,142 :
Filed: February 1, 2002 :
For: ERGONOMIC SWIM FIN APPARATUS :

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

This is in reply to applicant's renewed petition filed in the United States Patent and Trademark Office on February 26, 2004.

The petition is **GRANTED**.

A review of the file record reveals that an Office action was mailed to applicant at the address of record on February 14, 2003. Since a response to the February 14, 2003 Office action has not been received, the application was held abandoned and a Notice of Abandonment was mailed September 23, 2003.

There is a strong presumption that mail properly addressed and delivered to the United States Postal Service was in fact delivered to the addressee. An allegation that an Office communication was not received may be considered in a formal petition for the withdrawal of the holding of abandonment, in accordance with *Delgar Inc. v. Schuyler*, 172 USPQ 513. However, the presumption that the Office communication was delivered to applicant may be overcome by a showing that the communication was not, in fact, received as indicated below.

Applicant's (in this case the inventor, Mr. John Melius) statements of non-receipt should include a statement by him, and by anyone else at applicant's correspondence address, who would have handled the Office communication, and include any available documentary evidence of mail received, covering a reasonable period after the date of the Office communication, to show non-receipt of the communication in question. Copies of records on which the receipt date of the Office communication would have been entered had it been received, (*e.g.*, a copy of the outside of the file maintained by applicant), are required if available. Also, a showing of any docket records or other method which would serve as a reminder of a response due date should be submitted. Whatever method applicant uses as a reminder, and submits in response to this decision should be adequately explained. Also, a statement is required that a search of the file maintained by applicant, or any other location where correspondence from the USPTO is kept, failed to find a copy of the Office communication in question. Finally, applicant must state that he was in fact at the correspondence address of record at the time the Office action would have been received.

Any such exhibits should be submitted as part of statement(s) showing that no Office communication was ever received.

The renewed petition includes a statement by Mr. Melius attesting to the fact that he and his wife were in residence at the correspondence address of record where the Office action should have been received at the time the action was mailed. Mr. Melius and his wife provide statements describing how incoming mail is normally received and processed. Mr. Melius further provides photocopies of the filing system in which copies of correspondence received from the USPTO are normally kept and provides an explanation as to how papers are received and placed in the files. Mr. Melius further states that all files were searched, including non-patent related papers, and that the search did not produce the missing Office action. Applicant further provides evidence regarding disruption of mail service around the time the Office action would have been received. Applicant's statements and exhibits regarding the non-receipt of the Office action mailed February 14, 2003 are acceptable.

The application is being forwarded to the Supervisory Legal Instruments Examiner with instructions to withdraw the abandonment, return the application to pending status, and to redate and remail the Office Action of February 14, 2003 based on the reasoning in the case of *Delgar v. Schuyler*, 172 USPQ 513.

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

KJD/mjz: 5/20/04

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 11

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE
SUITE 101
ELLICOTT CITY MD 21043

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SEP 2 2 2004

OFFICE OF PETITIONS

In re Application of :
Tun Li Su :
Application No. 10/060,145 : DECISION GRANTING PETITION
Filed: February 1, 2002 : UNDER 37 CFR 1.137(b)
Attorney Docket No. MR1939-103 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 12, 2004, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the nonfinal Office action of January 23, 2004 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8859.

The application file is being forwarded to Technology Center Art Unit 2833.

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
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DW 07-02

Paper No. 4

SANGEETA G. SHAH
BROOKS & KUSHMAN P.C.
22ND FLOOR
1000 TOWN CENTER
SOUTHFIELD MI 48075-1351

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JUL 17 2002

OFFICE OF PETITIONS

In re Application of	:
A. Martin Lerner	: DECISION DISMISSING
Application No. 10/060,159	: PETITION
Filed: 30 January, 2002	:
Atty's Dcket No. LMA 0113 PUS1	:

This is a decision on the petition filed on 10 May, 2002, requesting that the above-identified application, including Figures 3 & 4, be accorded a filing date of 30 January, 2002.

The petition is **DISMISSED**.

On 30 January, 2002, the application was filed.

On 15 April, 2002, Initial Patent Examination Division mailed a Notice of Omitted Items in a Nonprovisional Application stating that the application had been accorded a filing date of 30 January, 2002, but that Figures 3 & 4 described in the specification appeared to have been omitted.

In response, on 23 August, 2001, one (1) sheet of drawings containing Figures 3 & 4 and the present petition were submitted. Petitioner asserts that the one (1) sheet containing Figures 3 & 4 was filed with the other application papers on 30 January, 2002, but was subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioner's postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 1/30/02 and containing the above-identified application number, and identifies the application by attorney docket number and inventor's name, and acknowledges receipt, *inter alia*, of 2

drawing sheets. Petitioners request that the application, including the drawings containing Figures 3 & 4, be accorded a filing date of 30 January, 2002.

The petition is dismissed because the one (1) sheet of drawings containing Figures 3 & 4 received on 10 May, 2002, was damaged by improper handling during the USPS mail decontamination process. While this situation is not the fault of petitioners, a new copy of the one (1) sheet of drawings containing Figures 3 & 4 must be submitted.

As all mail addressed to the USPTO via the 20231 ZIP code is being irradiated, petitioners are encouraged to submit the drawings by one of the following means to avoid the irradiation process:

(a) Express Mail (which is not being irradiated);
(b) the USPTO's **temporary** address:

USPTO
P.O. Box 2327
Arlington, VA 22202

Petitioners are encouraged to use the Certificate of Mailing Procedures pursuant to 37 CFR 1.8 when mailing to this address;
(c) Hand-carry to the Office of Petitions, or
(d) Via courier (Federal Express, UPS, etc.)

The application will be retained in the Office of Petitions for a period of two (2) months to await petitioners' reply to this decision. If no renewed petition is timely filed, the application will be returned to the Office of Initial Patent Examination for further processing using only the papers present in the USPTO on the date of deposit.

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 inquires should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.

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

UNITED STATES PATENT & TRADEMARK OFFICE
Washington, D.C. 20231

REQUEST FOR PATENT FEE REFUND

1 Date of Request: 8-9-02	2 Serial/Patent # 10/060,159

	3 Please refund the following fee(s):	4 PAPER NUMBER	5 DATE FILED	6 AMOUNT
	Filing			$
	Amendment			$
	Extension of Time			$
	Notice of Appeal/Appeal			$
122	Petition	3,5	5-10-02 7-30-02	$ 260
	Issue			$
	Cert of Correction/Terminal Disc.			$
	Maintenance			$
	Assignment			$
	Other			$

7 TOTAL AMOUNT OF REFUND	$ 260

8 TO BE REFUNDED BY:

	Treasury Check
X	Credit Deposit A/C #:

9 02--3978

10 REASON:

	Overpayment
	Duplicate Payment
X	No Fee Due (Explanation):

PET DUE TO PTO ERROR

11 REFUND REQUESTED BY:

TYPED/PRINTED NAME: D WOOD TITLE: PET ATTY

SIGNATURE: [signature] PHONE: 308-6918

OFFICE: PETITIONS

****

THIS SPACE RESERVED FOR FINANCE USE ONLY:

APPROVED: [signature] DATE: 8/12/02

Instructions for completion of this form appear on the back. After completion, attach white and yellow copies to the official file and mail or hand-carry to:

Office of Finance
Refund Branch
Crystal Park One, Room 802B

FORM PTO 1577
(01/90)

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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NOV 0 8 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

SWIDLER BERLIN SHEREFF FRIEDMAN, LLP
3000 K STREET, NW
BOX IP
WASHINGTON DC 20007

In re Application of :
Joseph TEIXEIRA :
Application No. 10/060,172 : DECISION ON PETITION
Filed: February 1, 2002 : TO MAKE SPECIAL
For: :

SYSTEM AND METHOD FOR SWITCHING DIGITAL SUBSCRIBER LINE SERVICE

This is a decision on the petition filed August 21, 2002 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner meets all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : December 8, 2006

TO SPE OF : ART UNIT 2612

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/060183 patent No.: 7,126,486

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

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

Acting SPE 2612

SPE

2612

Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No.

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

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AUG 2 3 2004

OFFICE OF PETITIONS

In re Application of
Burgess et al.
Application No. 10/060,208
Filed: February 1, 2002
Attorney Docket Number: CI-0026

DECISION ON PETITION

This is a decision on the "PETITION FOR UNINTENTIONALLY DELAYED CLAIM UNDER 37 C.F.R. 1.78," filed June 8, 2004, to accept an unintentionally delayed claim under 35 U.S.C. 120 for the benefit of priority to prior-filed nonprovisional Application no. 09/960,703.

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(s), unless previously submitted;
>
> **(2)** the surcharge set forth in § 1.17(t); and
>
> **(3)** a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant nonprovisional application was filed on February 1, 2002, and was pending at the time of the 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). This amendment was filed with this petition on June 8, 2004. The petition includes payment of the surcharge under § 1.17(t). Petitioner states that the entire delay between the date when the claim was due under 37 C.F.R. 1.78(a)(2) and the date the claim was filed was unintentional.

The instant nonprovisional application was filed after November 29, 2000, and the claim herein for the benefit of priority to the prior-filed nonprovisional application is submitted after expiration of the period specified in 37 CFR 1.78(a)(2)(ii). Also, the reference to the prior-filed application was submitted during the pendency of the instant nonprovisional application. *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 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(s) 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(s). In order for the instant application to be entitled to the benefit of the prior-filed application(s), 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 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.

This application is being forwarded to Technology Center Art Unit 1744 for consideration by the Examiner of applicant's claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(1) and (2) for the benefit of priority to the prior-filed nonprovisional application.

Telephone inquiries concerning this matter should be directed to Senior Petitions Attorney Nancy Johnson at (703) 305-0309.

Charles A. Pearson
Director
Office of Petitions

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

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OCT 31 2008

OFFICE OF PETITIONS

In re Application of	:	
Tomofumi Arakawa	:	DECISION ON PETITION TO
Application Number: 10/060226	:	WITHDRAW HOLDING OF
Filing Date: 02/01/2002	:	ABANDONMENT
Attorney Docket Number: SON-2352	:	

This is a decision on the "PETITION UNDER 37 C.F.R. § 1.181," filed on September 9, 2005, which is treated as a petition to withdraw the holding of abandonment.

The Office apologizes for the delay in responding to the petition and regrets any inconvenience to petitioner.

The petition is **GRANTED**.

The application was held abandoned for failure to timely supply Page 12 of the application in response to the Notice to File Corrected Application Papers *Notice of Allowance Mailed* mailed on May 2, 2003, which set a thirty (30) day shortened period for reply. Notice of Abandonment was mailed on September 24, 2003.

Petitioner asserts that a proper and timely reply in the form of a copy of Page 12 was filed on June 2, 2003.[1]

A review of the record reveals that a copy of Page 12 and the response to the Notice mailed on May 2, 2003, filed on June 2, 2003, is located in the Office's Image File Wrapper system.

As such, the papers filed on June 2, 2003, constituted a complete and timely response to the Notice mailed on May 2, 2003.

[1] The 30 day period for reply ended on June 1, 2003. As June 1, 2003, fell on a Sunday, however, the reply filed on Monday, June 2, 2003, is considered timely filed. 37 CFR 1.7

Therefore, the showing of record is that a response was timely filed, and there is no abandonment in fact.
The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The Office apologizes for any inconvenience to petitioner.

The application is referred to the Office of Data Management for further processing.

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

/DWood/

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
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Paper No. 11

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

MAIL

APR - 9 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of)
Ando, et al.)
Application No. 10/060,267)
Filed: February 1, 2002)
For: **OPTICAL DISC FOR STORING MOVING PICTURES WITH TEXT INFORMATION AND APPARATUS USING THE DISC**)

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed on August 5, 2002, pursuant to Manual of Patent Examination Procedure §708.02, section VIII, request for accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be filed prior to receiving any examination by the examiner,
(2) be accompanied by the required fee- $130,
(3) the claims should be directed to a single invention (if it is determined that the claims pertain to more than one invention, then applicant will have to make an election without traverse or forfeit accelerated examination status),
(4) state that a pre-examination search was made, and fully discuss the search method employed, such as classes and subclasses searched, publications, Chemical abstracts, patents, etc. A search made by a foreign patent office satisfies this requirement,
(5) be accompanied by a copy of each of the references most closely related to the subject matter encompassed by the claims if said references are not already of record,
(6) fully discuss the references, pointing out with the particularity required by 37 C.F.R. §1.111 (b) and (c), how the claimed subject matter is patentable over the references.

The petitioner has met all the above-listed requirements. Accordingly, the petition is **GRANTED**.

The application will retain its special status throughout its entire prosecution, including any appeal to the Board of Patent Appeals and Interferences, subject only to diligent prosecution by the applicant. The application file is being forwarded to the examiner for appropriate action in due course.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Paper No. 16

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

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SEP 1 7 2004

OFFICE OF PETITIONS

In re Application of :
Hideo Ando et al :
Application No. 10/060,267 : ON PETITION
Filed: February 1, 2002 :
Attorney Docket No. 217283US-2S DIV :

This is a decision on the petition under 37 CFR 1.313(c), filed September 16, 2004, which is being treated under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on August 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 Wan Laymon at (703) 306-5685.

Upon receipt of the file in the Office of Petition, the file will be forwarded to Technology Center AU 2615 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Amendment.

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

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

IN THE CLAIMS

Please amend the claims as follows:

Claims 1-20 (Canceled).

Claim 21 (Currently Amended): An information storage medium comprising:

a data area configured to store data relating to at least one sequence, wherein said ~~at least~~ one sequence comprises at least one program corresponding to at least one cell; and

a management area configured to store program information for managing said [[at]] ~~least~~ one program and configured to store a play list search pointer table ~~arranged to describe~~ describing information for searching and accessing play lists, wherein,

said play list search pointer table comprises at least one play list search pointer,

said ~~at least one~~ play list search pointer comprises primary text information for identifying ~~at least~~ one program managed by the program information, and

said ~~at least one~~ play list search pointer comprises an item text search pointer number,

wherein said item text search pointer number ~~describes~~ corresponds to an item text search pointer including information indicating a [[text]] size of an item text.

Claim 22 (Currently Amended): A method for recording information on an information storage medium including,

a data area configured to store data relating to at least one sequence, wherein said ~~at least~~ one sequence comprises at least one program corresponding to at least one cell, and

a management area configured to store program information for managing said [[at]] ~~least~~ one program and configured to store a play list search pointer table ~~arranged to describe~~ describing information for searching and accessing play lists, wherein,

said play list search pointer table comprises at least one play list search pointer,

said ~~at least one~~ play list search pointer comprises primary text information for identifying ~~at least~~ one program managed by the program information, and

said ~~at least one~~ play list search pointer comprises an item text search pointer number,

wherein said item text search pointer number ~~describes~~ corresponds to an item text search pointer including information indicating a [[text]] size of an item text,

the method comprising:

recording the program information and the play list search pointer table in the management area; and

recording the data relating to the at least one sequence in the data area.

Claim 23 (Currently Amended): A system for recording information on an information storage medium including,

a data area configured to store data relating to at least one sequence, wherein said ~~at least~~ one sequence comprises at least one program corresponding to at least one cell, and

a management area configured to store program information for managing said [[at]] ~~least~~ one program and configured to store a play list search pointer table ~~arranged to describe~~ describing information for searching and accessing play lists, wherein,

said play list search pointer table comprises at least one play list search pointer,

said ~~at least one~~ play list search pointer comprises primary text information for identifying ~~at least~~ one program managed by the program information, and

said ~~at least one~~ play list search pointer comprises an item text search pointer number,

wherein said item text search pointer number ~~describes~~ corresponds to an item text search pointer including information indicating a [[text]] size of an item text,

the system comprising:

a first recording unit configured to store the data relating to the at least one sequence in the data area; and

a second recording unit configured to store the program information and the play list search pointer table in the management area.

Claim 24 (Currently Amended): A method for reading information on an information storage medium including,

a data area storing data relating to at least one sequence, wherein said ~~at least~~ one sequence comprises at least one program corresponding to at least one cell, and

a management area storing program information for managing said ~~at least~~ one program and storing a play list search pointer table ~~arranged to describe~~ describing information for searching and accessing play lists, wherein,

said play list search pointer table comprises at least one play list search pointer,

said ~~at least one~~ play list search pointer comprises primary text information for identifying ~~at least~~ one program managed by the program information, and

said ~~at least one~~ play list search pointer comprises an item text search pointer number,

wherein said item text search pointer number ~~describes~~ corresponds to an item text search pointer including information indicating a [[text]] size of an item text,

the method comprising:

reproducing the data relating to the at least one sequence from the data area; and

reproducing the program information and the play list search pointer table from the management area.

Claim 25 (Currently Amended): A system for reading information on an information storage medium including,

a data area storing data relating to at least one sequence, wherein said ~~at least~~ one sequence comprises at least one program corresponding to at least one cell, and

a management area storing program information for managing said ~~at least~~ one program and storing a play list search pointer table ~~arranged to describe~~ describing information for searching and accessing play lists, wherein,

said play list search pointer table comprises at least one play list search pointer,

said ~~at least one~~ play list search pointer comprises primary text information for identifying ~~at least~~ one program managed by the program information, and

said ~~at least one~~ play list search pointer comprises an item text search pointer number,

wherein said item text search pointer number ~~describes~~ corresponds to an item text search pointer including information indicating a [[text]] size of an item text,

the system comprising:

a first reproducing unit configured to reproduce the data relating to the at least one sequence from the data area; and

a second reproducing unit configured to reproduce the program information and the play list search pointer table from the management area.

Claim 26 (Currently Amended): An information storage medium comprising:

a data area configured to store data relating to at least one sequence, wherein said ~~at least~~ one sequence comprises at least one program corresponding to at least one cell; and

a management area configured to store program information for managing said [[at]] ~~least~~ one program and configured to store a play list search pointer table ~~arranged to describe~~ describing information for searching and accessing play lists, wherein,

said play list search pointer table comprises at least one play list search pointer,

said ~~at least one~~ play list search pointer comprises primary text information related to ~~at least~~ one of said play lists,

said ~~at least one~~ play list search pointer comprises an item text search pointer number, and

said item text search pointer number ~~describes~~ corresponds to an item text search pointer including information indicating a [[text]] size of an item text.

Claim 27 (Previously Presented): A method for recording information on the information storage medium as defined by claim 26, comprising:

recording the data relating to the at least one sequence in the data area; and

recording the program information and the play list search pointer table in the management area.

Claim 28 (Previously Presented): A system for recording information on the information storage medium as defined by claim 26, comprising:

a first recording unit configured to store the data relating to the at least one sequence in the data area; and

a second recording unit configured to store the program information and the play list search pointer table in the management area.

Claim 29 (Previously Presented): A method for reading information on the information storage medium as defined by claim 26, comprising:

reproducing the program information and the play list search pointer table from the management area; and

reproducing the data relating to the at least one sequence from the data area.

Claim 30 (Previously Presented): A system for reading information on the information storage medium as defined by claim 26, comprising:

a first reproducing unit configured to reproduce the program information and the play list search pointer table from the management area; and

a second reproducing unit configured to reproduce the data relating to the at least one sequence from the data area.

#9

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

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of	:
Ziyu Dai et al	:
Serial No.: 10/060,275	: STATUS LETTER
Filed: February 1, 2002	:
Attorney Docket No.: 059440/0143	:

This is in response to applicant's attorney's request, filed February 4, 2003, to withdraw from representation in the above identified application.

§ 10.40 Withdrawal from employment.
(b) Mandatory withdrawal . A practitioner representing a client before the Office shall withdraw from employment if:
(1) The practitioner knows or it is obvious that the client is bringing a legal action, commencing a proceeding before the Office, conducting a defense, or asserting a position in litigation or any proceeding pending before the Office, or is otherwise having steps taken for the client, merely for the purpose of harassing or maliciously injuring any person;
(2) The practitioner knows or it is obvious that the practitioner's continued employment will result in violation of a Disciplinary Rule;
(3) The practitioner's mental or physical condition renders it unreasonably difficult for the practitioner to carry out the employment effectively; or
(4) The practitioner is discharged by the client.
(c) Permissive withdrawal. If paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matters pending before the Office unless such request or such withdrawal is because:
(1) The petitioner's client:
(i) Insists upon presenting a claim or defense that is not warranted under existing law and cannot be supported by good faith argument for an extension, modification, or reversal of existing law;
(ii) Personally seeks to pursue an illegal course of conduct;
(iii) Insists that the practitioner pursue a course of conduct that is illegal or that is prohibited under a Disciplinary Rule;
(iv) By other conduct renders it unreasonably difficult for the practitioner to carry out the employment effectively;
(v) Insists, in a matter not pending before a tribunal, that the practitioner engage in conduct that is contrary to the judgment and advice of the practitioner but not prohibited under the Disciplinary Rule; or
(vi) Has failed to pay one or more bills rendered by the practitioner for an unreasonable period of time or has failed to honor an agreement to pay a retainer in advance of the performance of legal services.
(2) The practitioner's continued employment is likely to result in a violation of a Disciplinary Rule;
(3) The practitioner's inability to work with co-counsel indicates that the best interests of the client likely will be served by withdrawal;
(4) The practitioner's mental or physical condition renders it difficult for the practitioner to carry out the employment effectively;
(5) The practitioner's client knowingly and freely assents to termination of the employment; or
(6) The practitioner believes in good faith, in a proceeding pending before the Office, that the Office will find the existence of other good cause for withdrawal.

Applicant's attorney has proivided no reason for withdrawal, as required.

The request to withdraw is **DISMISSED**.

Should there be any questions with regard to this letter please contact William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, Washington, DC 20231, or by telephone at (703) 308-3824 or by facsimile transmission at (703) 305-7230.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

MAILED

SEP 04 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

In re application of
Todd m. Mexrah
Application No. 10/060276
Filed: 2/01/2002
For: ONLINE INSURANCE SALES PLATFORM

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on June 26, 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), a proper reason for withdrawal as enumerated in 37 CFR 10.40(b) or subsection (1)-(6) of 37 CFR 10.40(c) must be provided. No proper reasons were provided. Please note that "termination of the client relationship" is not a proper reason as enumerated.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/ekn 9-3-03

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MAIL

Paper No. 7

NIXON & VANDERHYE P.C.
8th Floor
1100 North Glebe Road
Arlington VA 22201-4714

MAR 2 5 2004

DIRE
TECHNC
2600

In re Application of
Ciechanowiecki et al.

Application No. 10/060,293
Filed: February 01, 2002
For: MOSLEM DIRECTION INDICATOR

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the Request for Withdrawal as agent(s)/attorney(s) of record received on February 13, 2004.

A grantable request to withdraw as attorney/agent of record must:
(1) indicate the present mailing address of the attorney(s)/agent(s) who seek(s) to withdraw, and
(2) be signed by each attorney/agent seeking to withdraw or clearly be signed on their behalf, and
(3) be *approved* at least thirty (30) days prior to the maximum extendable period for response to any outstanding Office Action, and
(4) indicate the address to which future correspondence should be mailed.

Petitioner has met all of the above. Accordingly, the request is **GRANTED**.

All attorneys/agents of record 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.

The file is being returned to TC 2600 Central Files to await examination in appropriate turn.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

Cc: Jean Ciechanowiecki
721 Ranch Road
Weston, FL 33326

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Commissioner for Patents
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MAY 12 2005

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

MCGINN & GIBB, PLLC
8321 OLD COURTHOUSE ROAD
SUITE 200
VIENNA VA 22182-3817

In re Application of:
Takao Inoue
Application Serial No.: 10/060,398
Filed: February 1, 2002
For: **LIGHT EMITTING DIODE DRIVING CIRCUIT**

DECISION
ON PETITION

This is a decision on the petition under 37 CFR 1.181 filed April 8, 2005 to request a refund of fees paid for entry of an examiner's amendment.

The Petition is **Denied**.

Petitioner asserts that the charge for the extension of time fee to perform an examiner's amendment was not appropriate given the section set forth in MPEP §706.07(f). Specifically, petitioner states that the Examiner's requirement that dependent claims be incorporated into the independent claim was a mere formal matter that was not previously of record and could have easily have been executed by Applicant in response to an Ex parte Quayle action with no extensions of time fees required. Petitioner continues by arguing that "..if an Examiner does not wish to execute an Examiner's Amendment, it is submitted that the appropriate procedure clearly identified in MPEP §706.07(f) (N) is that the Examiner instead prepares an Ex parte Quayle action so that Applicant himself can then make the formal corrections."

> MPEP §706.07(f) [R-2] Time for Reply to Final Rejection, states in part:
> (N) Formal matters which are identified for the first time after a reply is made to a final Office action and which require action by applicant to correct may be required in an Ex parte Quayle action if the application is otherwise in condition for allowance. No extension fees would be required since the reply puts the application in condition for allowance except for the correction of formal matters — the correction of which had not yet been required by the examiner.

A review of the file history reveals that a final Office action was mailed on November 18, 2004. On February 14, 2005, applicant filed an amendment after final which appears to have been entered. On February 24, 2005 the record indicates that an interview was held wherein the examiner set forth the position that independent claim 6 was too broad and that an Advisory action would be mailed. During a follow-up interview apparently held on March 23 and 24, 2005, the examiner indicated that the application would be in condition for allowance if dependent claims 8 and 9 were included within the independent claim. The examiner was authorized to perform the examiner's amendment. The examiner insisted that extension of time fees were required in order to perform an examiner's amendment. Applicant reluctantly agreed to payment of the extensions of time in order to advance the application to issue.

Within the subject petition, petitioner argues that if the examiner did not want to do an examiner's amendment, then the examiner should have set forth a Quayle action so that the applicant could have performed the necessary amendment without having to pay for extensions of time.

> MPEP §714.14 Amendments After Allowance of All Claims, states in part:
> Under the decision in Ex parte Quayle, 25 USPQ 74, 1935 C.D. 11; 453 O.G. 213 (Comm'r Pat. 1935), after all claims in an application have been allowed the prosecution of the application on the merits is closed even though there may be outstanding **formal** objections which preclude fully closing the prosecution. [emphasis added]

As the file record reveals, the examiner did not consider independent claim 6 to be in condition for allowance, which was why it was necessary to incorporate dependent claims 8 and 9 into independent claim 6, i.e., in order to place the application in condition for allowance. According to MPEP §714.14 set forth above, Quayle actions are permitted only after all claims are allowed. A prosecution closing action, i.e., an Ex parte Quayle action, may be issued in order to correct any outstanding formal objections. As indicated, independent claim 6 was not in condition for allowance and therefore issuance of an Ex parte Quayle action would have been improper. Therefore, petitioner's argument that the examiner could have just issued a Quayle action for applicant to perform an amendment without having to pay for extensions of time, is untenable.

Regarding petitioner's argument that incorporation of dependent claims into independent form is merely a formal matter, the basis for this contention was gathered from MPEP §706.07(f). Specifically, the section relied upon for support begins by stating: (N) Formal matters which are identified for the first time after a reply is made to a final Office action and which require action by applicant to correct may be required in an Ex parte Quayle action if the application is otherwise in condition for allowance.

However, as previously noted in MPEP §714.14 above, in order to qualify for an Ex parte Quayle action, all of the claims in the application must be in condition for allowance. There is an obvious distinction then between consideration of claims on their merit in an application versus formal matters and/or objections.

> 37 C.F.R. § 1.111 Reply by applicant or patent owner to a non-final Office action, states in part:...
> (b) In order to be entitled to reconsideration or further examination, the applicant or patent owner must reply to the Office action. The reply by the applicant or patent owner must be reduced to a writing which distinctly and specifically points out the supposed errors in the examiner's action and must reply to every ground of objection and rejection in the prior Office action. The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. If the reply is with respect to an application, a request may be made that objections or requirements

> as to form not necessary to further consideration of the claims be held in abeyance until allowable subject matter is indicated. [emphasis added]

MPEP §714.02 [R-2] Must Be Fully Responsive, states in part:...

> Drawing and specification corrections, presentation of a new oath and the like are generally considered as formal matters>, although the filing of drawing corrections in reply to an objection to the drawings cannot normally be held in abeyance<. However, the line between formal matter and those touching the merits is not sharp, and the determination of the merits of an application may require that such corrections, new oath, etc., be insisted upon prior to any indication of allowable subject matter. [emphasis added]

As evidenced by 37 C.F.R. §1.111 and MPEP §714.02 above, objections and requirements of form, e.g., drawing or specification corrections, etc. are considered to be formal matter issues not requiring further action and/or consideration of the claims. The incorporation of subject matter from a dependent claim into an independent claim requires further consideration on the merits, with respect to the scope of coverage sought and is not a matter of form. The resultant claim would require further consideration by the examiner, e.g., to insure that the newly written claim continued to comply with 35 U.S.C. §112. Therefore, Petitioner's contention that MPEP §706.07(f) (N) provides support for the position that applicants do not have to pay for extensions of time in order for an examiner to perform an examiner's amendment, is also untenable.

Given that the proposed amendment was not merely a matter of form, then in accordance with MPEP §706.07(f), subpart (I), if the time period for response to the outstanding final Office action was outside of the 3 month shortened statutory period for response, applicants were required to pay for the appropriate extensions of time in order for the examiner to perform an examiner's amendment.

MPEP §706.07(f) [R-2] Time for Reply to Final Rejection, states in part:

> (I) Where a complete first reply to a final Office action has not been filed within 2 months of the final Office action, applicant's authorization to make an amendment to place the application in condition for allowance must be made either within the 3 month shortened statutory period or within an extended period for reply that has been petitioned and paid for by applicant pursuant to 37 CFR 1.136(a). [emphasis added]

The application file having been allowed, will be forwarded to Office of Publications to process into a Patent in appropriate turn.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications

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JUL 22 2004

Paper No. 10

In re Application of
Edward Sutt
Application No. 10/060,411
Filed: February 1, 2002
Attorney Docket No. 011988-0278449

: DECISION ON PETITION

This is a decision on the petition filed on May 5, 2004 by which petitioner requests withdrawal of the examiner's holding that this application stands abandoned for failure to file a proper and timely reply to the Office action dated September 24, 2003. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioner alleges that the application is not abandoned because a reply to the Office letter in question was actually filed on December 8, 2003. Petitioner has supported this allegation by furnishing a copy of the reply and a copy of a filing receipt for the reply which shows the reply was in fact received in the Office on December 8, 2003, a date within the period for filing a reply to the Office action in question. Based upon this evidence, it is clear that this application is not abandoned.

Accordingly, the Notice of Abandonment is hereby vacated, the holding of abandonment is withdrawn, and the application is restored to pending status. The application is being forwarded to the Head Supervisory Applications Examiner for processing the reply filed on December 8, 2003. Thereafter, the application will be forwarded to the examiner for appropriate.

PETITION GRANTED.

E. Rollins-Cross, Director
Technology Center 3700

Pillsbury Winthrop, LLP
P.O. Box 10500
McLean, VA 22102

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NETWORK APPLIANCE/BLAKELY
12400 WILSHIRE BLVD
SEVENTH FLOOR
LOS ANGELES CA 90025-1030

COPY MAILED

DEC 0 8 2006

OFFICE OF PETITIONS

In re Application of :
LANGO, et al. :
Application No. 10/060,416 : DECISION ON PETITION
Filed: January 29, 2002 : TO WITHDRAW
Attorney Docket No. 020564-000600US : 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 September 19, 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 Jordan M. Becker on behalf of all attorneys of record who are associated with Customer No. 48102. All attorneys/agents associated with the Customer No. 48102 have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) an intervening assignee of the entire interest under 37 C.F.R 3.71. All future communications from the Office will be directed to the first named signing inventor at the first copied address below until otherwise properly notified by the applicant.

A Review of the file discloses that a final Office action was mailed on July 18, 2006, which set forth a three month shortened statutory period for reply. Extensions of time under 37 CFR 1.136(a) are available. To date, there is no indication that a reply to the Office action of July 18, 2006 has been received.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: JASON LANGO
801 CHURCH STREET #1313
MOUNTAIN VIEW, CA 94041

cc: NETWORK APPLIANCE, INC.
495 E. JAVA DRIVE
SUNNYVALE, CA 94089

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/060,416	01/29/2002	Jason Lango	020564-000600US

CONFIRMATION NO. 9613

OC000000021532839

48102
NETWORK APPLIANCE/BLAKELY
12400 WILSHIRE BLVD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

Date Mailed: 12/08/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 09/19/2006.

- 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.

PATRICIA A VOLPE
OP (571) 272-6825

FORMER ATTORNEY/AGENT COPY

PTO/SB/66 (03-09)
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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)
6776971	2004-08-17	10060420	2002-01-29	83653

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	/Ryan J. Friedl/	Date (YYYY-MM-DD)	2009-08-24
Name	Ryan J. Friedl	Registration Number	56357

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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Commissioner for Patents
United States Patent and Trademark Office
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In re Patent No. 6776971
Issue Date: August 17,2004
Application No. 10060420
Filed: January 29,2002
Attorney Docket No. 83653

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

This is a decision on the electronic petition, filed August 24,2009 ,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 August 24,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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CLIFFORD CHANCE US LLP
31 WEST 52ND STREET
NEW YORK, NY 10019-6131

COPY MAILED

OCT 25 2007

OFFICE OF PETITIONS

In re Application of :
Iouri Kloubakov, et al. :
Application No. 10/060,423 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. 7190-205 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 29, 2007, to revive the above-identified application.

The petition is not signed by a registered attorney or agent of record. However, in accordance with 37 CFR 1.34(a), the signature of Eric A. Lerner appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he is authorized to represent the particular party on whose behalf he acts.

The petition 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 November 15, 2006. This decision precedes the mailing of a Notice of Abandonment. On June 29, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) under 37 CFR 1.114 and fee of $790; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. *See* In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Since the $1,020 extension of time fee submitted with the petition on June 29, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

This application is being referred to Technology Center AU 3627 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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,426	01/30/2002	Robert Anthony Sayman	60446-203 / 01ZFM020	7973

26096 7590 05/24/2006

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

EXAMINER	
WRIGHT, DIRK	

ART UNIT	PAPER NUMBER
3681	

DATE MAILED: 05/24/2006

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

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

: Letter

In re Application of Sayman, et al.
Application No. 10/060,426
Filed: January 30, 2002
For: METHOD OF PREVENTING
ENGINE STALL USING
AUTOMATED CLUTCH CONTROL

The Notice of Abandonment mailed April 13, 2006 was mail in error for this application and is now rescinded.

This application has in fact already issued as a patent on November 4, 2003 as patent number 6,641,505.

Telephone inquiries regarding this communication should be directed to Publishing Division Customer Service at (703) 308-6789 or toll free at (888)786-0101.

Bradley J. Harris
Management & Program Analyst
Office of Patent Publication
703-308-9250 x 141 {office}
571-273-9889 {fax}

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Paper No. ____

FLYNN THIEL BOUTELL & TANIS, PC
2026 RAMBLING ROAD
KALAMAZOO, MI 49008-1699

COPY MAILED

MAR 16 2004

OFFICE OF PETITIONS

In re Application of :
Steve B. Hul :
Application No. 10/060,473 : DECISION GRANTING PETITION
Filed: January 30, 2002 : UNDER 37 CFR 313(c)(2)
Attorney Docket No. S*EN C-255 :

This is a decision on the petition under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

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 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.

Upon receipt of the file in the Office of Petitions, the file will be forwarded to Technology Center AU 2673 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
P.O. Box 1450
Alexandria, VA 22313-1450
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OCT 25 2004

PFIZER INC.
PATENT DEPARTMENT, MS8260-1611
EASTERN POINT ROAD
GROTON CT 06340

In re Application of:
Mueller et al.
Serial No.: 10/060,521
Filed: January 30, 2002
Attorney Docket No.: PC11013A

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is in response to applicants' petition under 37 CFR. § 1.181(a) and MPEP 711.03(c) filed on April 26, 2004, requesting withdrawal of the holding of abandonment of the above-identified application based on non–receipt of an Office action and to restore the application to a pending status.

A review of the file history shows that the Office mailed a restriction requirement to applicants on April 10, 2003, setting a one-month statutory time period for reply. On May 27, 2003 applicants responded to the restriction requirement. The Office subsequently mailed a first Office action, setting a three-month statutory time period for reply, to applicants on August 22, 2003. On March 15, 2004, the examiner mailed a notice of abandonment for failure to respond to the outstanding first Office action.

Applicants state that the Office action of August 22, 2003 was never received and provides as evidence thereof a copy of the attorney docket report where the Office action would have been entered if received, showing non-receipt of the Office action. Based on the evidence presented, it is concluded that applicants never received the Office action. In view thereof, the Notice of Abandonment mailed March 15, 2004 is vacated and the application is restored to pending status with the mailing date of this decision.

Applicants' petition is **GRANTED**. The application will be forwarded to the examiner for prompt mailing of a new Office action and a three-month restart of the statutory time period for reply.

Should there be any questions about this decision, please contact Marianne C. Seidel by letter addressed to Director, TC 1600, at the address listed above, or by telephone at 571-272-0584 or by facsimile at 703-872-9306.

Marianne C. Seidel for

Jasemine C. Chambers
Director, Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

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www.uspto.gov

ROBERT A. PARSONS
4000 N. CENTRAL AVENUE, SUITE 1220
PHOENIX AZ 85012

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OFFICE OF PETITIONS

In re Application of :
Ricky L. Lynn :
Application No. 10/060,534 : DECISION ON PETITION
Filed: January 30, 2002 :
Title: Rollerskate :

This is decision on the petition under 37 CFR 1.181, filed January 12, 2006, to withdraw the holding of abandonment.

On May 6, 2005, the Office mailed a Notice of Non-Compliant Appeal Brief, which set an extendable period of one month or 30 days, whichever was longer, to reply. In the apparent absence of a timely filed response, the Office mailed a Notice of Abandonment on December 15, 2005.

In the present petition, petitioner asserted that he filed a timely response to the Notice of Non-Compliant Appeal Brief in the form of a Supplemental Appeal Brief, which can be viewed in PAIR.

A review of the record indicates that the USPTO received the Supplemental Appeal Brief on June 8, 2005; however, it contained a certificate of mailing dated June 6, 2005. Therefore, petitioner is relying of the certificate of mailing as evidence of the timely filing of the Supplemental Appeal Brief on June 6, 2005.

Pursuant to Section 711.03(c)(I)(B) of the Manual of Patent Examining Procedure:

> Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. **If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion**

that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application).

(Emphasis added).

Petitioner did not provide a statement under 37 CFR 1.8(b)(3), attesting to a personal knowledge of the mailing of the original response on the date indicated on the certificate **by the person who signed the certificate (i.e., Jennifer).**

Accordingly, the petition to withdraw the holding of abandonment is **dismissed**. Before the Office can withdraw the holding of abandonment, petitioner must submit a request for reconsideration and a response in compliance with 37 CFR 1.8(b)(3). A request for reconsideration of this decision must be submitted with TWO (2) MONTHS of the mailing date of this decision. Extensions of this time period may be granted under 37 CFR 1.136. The request for reconsideration should include a cover sheet entitled "Renewed Petition Under 37 CFR 1.181."

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
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

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ROBERT A. PARSONS
4000 N. CENTRAL AVENUE, SUITE 1220
PHOENIX AZ 85012

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MAR 20 2006

OFFICE OF PETITIONS

In re Application of :
Ricky L. Lynn :
Application No. 10/060,534 : DECISION ON PETITION
Filed: January 30, 2002 :
Title: Rollerskate :

This is decision on the renewed petition under 37 CFR 1.181, filed March 9, 2006, to withdraw the holding of abandonment.

On May 6, 2005, the Office mailed a Notice of Non-Compliant Appeal Brief, which set an extendable period of one month or 30 days, whichever was longer, to reply. In the apparent absence of a timely filed response, the Office mailed a Notice of Abandonment on December 15, 2005.

Petitioner asserted that he filed a timely response to the Notice of Non-Compliant Appeal Brief in the form of a Supplemental Appeal Brief, which can be viewed in PAIR.
In support of the petition, petitioner submitted a copy of a returned, date-stamped postcard receipt,[1] acknowledging receipt of the following: "1. Certificate of Mailing, dated 06 JUNE 2005, 2. Transmittal of Amended Brief for Appellant, 3. Amended Brief for Appellant & 2 copies of same and 4. Postcard for Return Receipt in the USPTO on December 9, 2005" in the USPTO on June 8, 2005.

The Office has located the Supplemental Appeal Brief of June 8, 2005, in the file, which included a certificate of mailing dated June 6, 2005. Accordingly, the response is considered timely filed on June 6, 2005.[2]

The petition is **granted**. The Notice of Abandonment is hereby withdrawn. The application is restored to pending status in view of the fact that a response was timely submitted on June 6, 2005.

---

[1] Section 503 of the MPEP states, "[a] post card receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO."

[2] See 37 CFR 1.8(a).

The matter is being referred to the Technology Center Art Unit 3618 for a review of the Supplemental Appeal Brief submitted on June 8, 2005 (certificate of mailing dated June 6, 2005).

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211. All other inquiries concerning either the examination procedures or status of the application 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

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ANTHONY NIEWYK, ESQ.
BAKER & DANIELS LLP
SUITE 800
111 EAST WAYNE STREET
FORT WAYNE, IN 46802

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MAY 0 2 2007

OFFICE OF PETITIONS

In re Application of :
Fournier, Jacques :
Application No. 10/060,538 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. HER0096 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 23, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of a continuing application; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 11/710,637.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3206.

Liana Walsh
Petitions Examiner
Office of Petitions

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

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MAY 01 2008

In re Application of :
Eric Gregory Oettinger et al :
Application No. 10/060,549 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. TI-33551 :

This is a decision on the petition filed December 21, 2007 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 submit the Issue fee and Publication fee in a timely manner in reply to the Notice of Allowance mailed August 10, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on November 11, 2007.

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 issue fee is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3210.

This matter is being referred to the Publishing Division for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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GREGORY L BRADLEY
MEDRAD INC
ONE MEDRAD DRIVE
INDIANOLA PA 15051

COPY MAILED

JUL 0 7 2005

OFFICE OF PETITIONS

In re Application of
James E. Dvorsky .
Application No. 10/060,561
Filed: January 30, 2002
Attorney Docket Number: VI/99-020

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 5, 2005, to revive the above identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the non-Final Office Action mailed September 29, 2004. A shortened statutory period of three months was set for replying to the non-Final Office Action. No extensions of time having been requested, this application became abandoned December 30, 2004. The instant petition and this decision on petition precede the mailing of the Notice of Abandonment.

Petitioner files the instant petition under 37 CFR 1.137(b). [1]

This application is being forwarded to Technology Center 3737 for appropriate action on the amendment filed April 5, 2005.

Telephone inquiries concerning this matter 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)).

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DAVID N. TRAN
BALKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
SEVENTH FLOOR
12400 WILSHIRE BOULEVARD
LOS ANGELES CA 90025-1026

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OFFICE OF PETITIONS

In re Application of	:	
Froyd et al.	:	
Application No. 10/060,581	:	DECISION GRANTING PETITION
Filed: January 29, 2002	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 005166.P011	:	

This is a decision on the petition, filed July 30, 2009, which is being treated as a petition under 37 CFR 1.137(b) to revive the instant non-provisional 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 January 28, 2003. 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) was rescinded. The above referenced application published on June 12, 2003 as U.S. Patent Publication No. 2003/0110447.

Further, it is not apparent whether the person signing the instant petition was ever given a power of attorney or authorization of agent to prosecute this patent. In accordance with 37 CFR 1.34(a), the signature appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that he/she is authorized to represent the particular party in whose behalf he/she acts.

Additionally, 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.

The file is now being forwarded to Technology Center 2178 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Jeremy A. Schweigert
1279 Oakmead Parkway
Sunnyvale, CA 94085

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,582	01/30/2002	Ronald Dean Cramer	8838Q	7709

27752 7590 05/11/2005

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER	
PARKER, FREDERICK JOHN	
ART UNIT	**PAPER NUMBER**
1762	

DATE MAILED: 05/11/2005

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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In re Patent No. 6,645,569
Issue Date: November 11, 2003
Appl No.: 10/060,582
Filed: January 30, 2002
For: Method for Applying Nanoparticles

DECISION GRANTING PETITION
37 CFR 1.324

This is a decision on the petition filed March 10, 2005 to correct inventorship under 37 CFR 1.324.

The petition is granted.

The patented file is being forwarded to Certificate of Corrections Branch for issuance of a certificate naming only the actual inventor or inventors.

Timothy H. Meeks
Supervisory Patent Examiner
Art Unit 1762
Technology Center 1700

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

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601 BRICKELL KEY DR
SUITE 404
MIAMI FL 33131

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OFFICE OF PETITIONS

In re Patent No. 6,821,473 :
Issue Date: November 23, 2004 :
Application No. 10/060,604 : DECISION ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. 714-X02-003 :

This is a decision on the petition under 37 CFR 1.183 to correct the assignee data, filed February 23, 2005.

The petition under 37 CFR 1.183 is **DISMISSED AS MOOT.**

A Certificate of Correction with the correct assignee data was mailed on May 20, 2005.

The file is being returned to Files Repository.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SUITE 3000
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of :
Lloyd Simonson et al :
Application No. 10/060,605 : DECISION ON PETITION
Filed: January 30, 2002 : TO WITHDRAW
Attorney Docket No. 06005.00002 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 19, 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 37 CFR 10.40 states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" Additionally, 37 CFR 10.40 states, "i[f] paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matters pending before the Office unless such request or such withdrawal is because: [. . .]" Reasons a practitioner can permissively withdraw follow the later quotation.

Since the request for withdrawal as attorney or agent submitted on August 19, 2005 provides no reasons for withdrawal, 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 for Withdrawal 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 Irvin Dingle at 571-272-3210.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: Joseph Hemby, Jr.
Naval Medical Research Center
503 Robert Grant Avenue
Silver Spriing, MD 20910-7500

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Naval Medical Research Center
Attn: (Code 00L)
503 Robert Grant Avenue
Silver Spring, MD 20910-7500

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OFFICE OF PETITIONS

In re Patent No. 6,927,068 :
Issue Date: August 9, 2005 :
Application No. 10/060,605 : NOTICE
Filed: January 30, 2002 :
Attorney Docket No. 06005.00002 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28 filed August 7, 2009. On September 1, 1998, the Court of Appeals for the Federal Circuit held that 37 CFR 1.28(c) is the sole provision governing the time for correction of the erroneous payment of the issue fee as a small entity. **See DH Technology v. Synergystex International, Inc. 154 F.3d 1333, 47 USPQ2d 1865 (Fed. Cir. Sept. 1, 1998).**

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

Your fee deficiency submission under 37 CFR 1.28 is hereby accepted. The petition is **GRANTED**.

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

This file is being forwarded to Files Repository.

Telephone inquiries related to this decision should be directed to the Kimberly Inabinet at (571) 272-4618.

Carl Friedman
Petitions Examiner
Office of Petitions

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CARSTENS & CAHOON, LLP
P O BOX 802334
DALLAS TX 75380

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MAR 14 2006

OFFICE OF PETITIONS

In re Application of :
Fuqua :
Application No. 10/060,616 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. AFUQU.0102 :
For: METHOD OF HERD MANAGEMENT

This is a decision on the petition under 37 CFR 1.181, filed December 29, 2005, to revive the above-identified application.

The petition under 37 CFR 1.181 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. This is **not** final agency action within the meaning of 5 U.S.C. § 704.

This application became abandoned for failure to timely and properly reply to the non-final Office action mailed October 8, 2004, which set an extendable three (3) month period for reply. Applicant filed an amendment on February 8, 2005 that was deemed non-compliant with 37 CFR 1.121 in Office correspondence mailed on February 25, 2005. Since the response appeared to be *bona fide*, applicant was afforded a one month extendable period to correct the response. On March 18, 2005, applicant filed another amendment that was deemed non-compliant with 37 CFR 1.121 in Office correspondence mailed March 25, 2005. Since the response appeared to be *bona fide*, applicant was afforded a one month period to correct the response. Applicant filed yet another amendment on April 8, 2005. The Office considered the amendment non-responsive in a communication mailed June 30, 2005. The application became abandoned on April 9, 2005. A Notice of Abandonment was mailed on November 1, 2005.

Petitioner argues that the examiner erred in not fully reviewing the February 8, 2005 amendment and because of the examiner's inaction, the applicant was prevented from timely filing a response to the June 30, 2005 Office communication. Furthermore, petitioner states that the November 1, 2005 Notice of Abandonment cites applicant's failure to reply to a non-existent Office action as the basis for holding the application abandoned. Petitioner argues the examiner's holding of abandonment is incorrect.

While it is true that the Notice of Abandonment erroneously cites applicant's failure to respond to a non-existent Office action as the basis for the holding of abandonment, the conclusion of abandonment is, nevertheless, correct.

The application became abandoned because applicant did not properly respond to the October 8, 2004 non-final Office action. The June 30, 2005 Office communication did not set a new period for response. Applicant failed to submit an amendment compliant with 37 CFR 1.121 on two occasions. It was applicant's responsibility to properly reply to the Notices of Non-Compliant Amendment. Applicant's failure to promptly correct the amendments resulted in the delayed review of the substance of the amendments. When applicant finally submitted an amendment compliant with 37 CFR 1.121 on April 8, 2005, unfortunately it was not fully responsive to the October 8, 2004 non-final Office action.

It is not possible to reply to an Office action outside the six (6) month statutory period 35 U.S.C. 133; 37 CFR 1.134. April 8, 2005 was the last day in the extendable 6 month period to respond to the October 8, 2004 Office action. As stated above, applicant's April 8, 2005 submission was not fully responsive to the October 8, 2004. The clock ran out at midnight on April 8, 2005.

Applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP caused the delay that resulted in the abandonment of the application and 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).

The petition under 37 CFR 1.181 to withdraw the holding of abandonment is dismissed.

ALTERNATE VENUE

Petitioner is encouraged to file a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of an issue fee was "unavoidable." This amendment to 35 U.S.C. 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional delay" petition under 37 CFR 1.137(b) must be accompanied by the required petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not

appropriate if petitioner intentionally delayed the filing of a petition for revival under 37 CFR 1.137(b).

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

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

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 inquires pertaining to this decision may be directed to the undersigned at (571) 272-3230.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

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In re Application of :
Fuqua :
Application No. 10/060,616 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. AFUQU.0102 :
For: METHOD OF HERD MANAGEMENT

This is a decision on the petition under 37 CFR 1.137(b), filed May 15, 2006, to revive the above-identified application.

This application became abandoned for failure to timely and properly reply to the non-final Office action mailed October 8, 2004, which set an extendable three (3) month period for reply. Applicant filed an amendment on February 8, 2005 that was deemed non-compliant with 37 CFR 1.121 in Office correspondence mailed on February 25, 2005. Since the response appeared to be *bona fide*, applicant was afforded a one month extendable period to correct the response. On March 18, 2005, applicant filed another amendment that was deemed non-compliant with 37 CFR 1.121 in Office correspondence mailed March 25, 2005. Since the response appeared to be *bona fide*, applicant was afforded a one month period to correct the response. Applicant filed yet another amendment on April 8, 2005. The Office considered the amendment non-responsive in a communication mailed June 30, 2005. The application became abandoned on April 9, 2005. A Notice of Abandonment was mailed on November 1, 2005.

Applicant has submitted an amendment in reply to the October 8, 2004 non-final Office action, an acceptable statement of the unintentional nature of the delay in responding to the October 8, 2004 non-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 3643 for consideration of the amendment filed on May 15, 2006.

Telephone inquires pertaining to this decision may be directed to the undersigned at (571) 272-3230.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

August 27, 2007

Patent No. : 7087376 B2
Ser. No. : 10/060618
Inventor(s) : Miller
Issued : August 8, 2006
Title : **DETECTION AND IDENTIFICATION OF BACTERIAL STRAINS**
Docket No. :

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.

On the Title Page (item 30), line 1 "Feb. 8, 2001, cannot be found in the printed patent.

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

Elisha Evans
For Cecelia Newman, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 110

Steven L. Highlander
FULBRIGHT & JAWORSKI L.L.P.
Suite 2400
600 Congress Avenue
Austin TX 78701

CBN/eme

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 8/3/09

Paper No.: ____

TO SPE OF : ART UNIT 1648

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/060618 Patent No.: 7087376B2

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

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (C of C)
Randolph Square 9D62-B
Palm Location 7580

Virginia Tolbert
Certificates of Correction Branch
703-756-1591

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: _____

_____

_____

_____

_____

_____ 1648
SPE **Art Unit**

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JOHN F A EARLEY III
86 THE COMMONS AT VALLEY FORGE EAST
1288 VALLEY FORGE ROAD
PO BOX 750
VALLEY FORGE, PA 19482-0750

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AUG 16 2007

OFFICE OF PETITIONS

In re Application of :
Kevin J. Carbone :
Application No. 10/060,631 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. CSI-03 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 2, 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 December 6, 2005. 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). A Notice of Abandonment was mailed on February 8, 2007. On April 2, 2007, the present petition was filed.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of $395 and the submission required by 37 CFR 1.114; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay.

The application is being referred to Technology Center AU 2131 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

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HARNESS, DICKEY & PIERCE, P.L.C.
P.O. BOX 828
BLOOMFIELD HILLS, MI 48303

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AUG 2 6 2004

OFFICE OF PETITIONS

In re Application of :
Ishida, Kosaku :
Application No. 10/060,635 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. 3557G-000017 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed August 9, 2004, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply within three months to the final Office action mailed May 12, 2004. A two-month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, this application became abandoned on October 13, 2004. A Notice of Abandonment was mailed on February 12, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is now being referred to Technology Center 1700 for processing of the Request for Continued Examination under 37 CFR 1.114 filed with the instant petition.

Telephone inquiries should be directed to the undersigned at (703) 306-0482. Any telephone inquiries after September 28, 2004 should 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

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Paper No. 6

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AUG 2 9 2002

OFFICE OF PETITIONS

Jeffrey D. Myers
Peacock, Myers & Adams, P.C.
Post Office Box 26927
Albuquerque NM 87125-6927

In re Application of
Chadwick & Hausner
Application No. 10/060,641
Filed: January 29, 2002
Attorney Docket No. 30243-CIP2
For: SIGNAL PROCESSING FOR OBJECT DETECTION SYSTEM

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

This is in response to the petition under 37 CFR 1.47(a), filed August 13, 2002 (certificate of mailing date August 5, 2002).

The petition is granted.

Petitioner has shown that the non-signing inventor, George G. Chadwick, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration of Deborah A. Peacock establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration. The exhibits attached to the declaration contain an express refusal authored by Mr. Chadwick. Petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

After this decision is mailed, the above-identified application will be forwarded to the Office of Initial Patent Examination for issuance of a corrected filing receipt.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No. 6

MARSHALL, GERSTEIN & BORUN LLP
6300 SEARS TOWER
233 S. WACKER DRIVE
CHICAGO IL 60606

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JUN 2 8 2004

OFFICE OF PETITIONS

In re Application of
James et al
Application No. 10/060,642
Filed: January 30, 2002
Attorney Docket No.29250/CE08570R
Title of Invention: METHOD AND APPARATUS FOR BROWSING OBJECTS IN USER'S SURROUNDING

DECISION GRANTING PETITION

This is a decision on the paper titled "Petition under 37 C.F.R. § 1.47(a) and 37 C.F.R. § 1.131(a) to Accept Declaration under 37 C.F.R. § 1.131 without Signatures of James Brian," filed March 8, 2004, which is being treated as a § 1.183 waiver of § 1.131's requirement that all of the inventors sign the declaration of prior inventorship.[1]

The petition under 37 CFR 1.183 is **GRANTED**.

The above-identified application was filed on January 30, 2002. Applicants submitted a 37 CFR 1.63 declaration on January 30, 2002. A non-final Office action was mailed on December 15, 2003. This office action set a shortened statutory period for reply of three months, with extensions of time obtainable under 37 CFR 1.136(a).

In response, on March 8, 2004 , applicants submitted a response, including a declaration under 37 CFR 1.131. The 37 CFR 1.131 declaration states that all of the inventors were responsible for reduction to practice of the subject matter of the rejected claims prior to the date of the reference on which the December 15, 2003 rejection was based. The 37 CFR 1.131 declaration was signed by inventors Phillip Neumiller and Peter Lei. Applicant has filed the instant petition to have the 37 CFR 1.131 declaration entered despite the fact that the declaration was not signed by joint inventor Brian

[1] 37 CFR 1.47 only applies when an inventor refuses to sign the original 37 CFR 1.63 oath or declaration.

James. Petitioner asserts that inventor Brian is either unwilling or unavailable to execute the declaration.

37 CFR 1.131 states, in pertinent part:

> When any claim of an application or a patent under reexamination is rejected, the **inventor** of the subject matter of the rejected claim, the owner of the patent under reexamination, or the party qualified under §§ 1.42, 1.43, or 1.47, may submit an appropriate oath or declaration to establish invention of the subject matter of the rejected claim prior to the effective date of the reference or activity on which the rejection is based.[2]

In addition, the Manual of Patent Examining Procedure states that "an application or declaration by less than all named inventors of an application is accepted where it is shown that less than all named inventors of an application invented the subject matter of the claim or claims under rejection."[3]

Here, there has not been a party qualified under 37 CFR 1.42, 1.43, or 1.47. In addition, applicants do not contend that less than all of the named inventors of the application invented the subject matter of the claims under rejection. Accordingly, the proper parties to sign the 37 CFR 1.131 declaration include all of the joint inventors.

In order for a petition under 37 CFR 1.183 to be granted to waive this requirement that joint inventor James sign the § 1.131 declaration, petitioner must demonstrate that this is an extraordinary situation where justice requires waiver of the rules.

On instant petition, applicants have set forth the steps taken to obtain inventor Brian signature on the § 1.131 declaration. Applicants have shown that a *bona fide* effort was made to present the § 1.131 declaration and supporting documentation to inventor Brian for signature. Under the circumstances, it is concluded that petitioner has demonstrated that this is an extraordinary situation requiring waiver of the rules.

The 37 CFR 1.131 declaration may be entered, despite the fact that its requirement that all of the inventors sign the declaration has not been satisfied.

The application file is being forwarded to Technology Center 2683 for consideration on the merits of the reply and the 37 CFR 1.131 declaration, filed March 8, 2004.

---

[2] 37 CFR 1.131(a) (emphasis added).

[3] MPEP 715.04.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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SAN DIEGO CA 92101

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AUG 25 2006

OFFICE OF PETITIONS

In re Application of :
Nga Marie Nguyen :
Application No. 10/060,644 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. 50N4365.03 :

This is a decision on the petition to revive an abandoned application under 37 CFR 1.137(b), filed March 29, 2006.

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

The above-identified application became abandoned for failure to timely file a response to the non-final Office action mailed January 13, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under 37 CFR 1.136(a) were purchased. Accordingly, no reply having received, the application became abandoned on April 14, 2005. A Notice of Abandonment was mailed on October 5, 2005.

With the instant petition, petitioner paid the petition fee, submitted the required reply in the form of an Amendment, and made the proper statement of unintentional delay.

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 $1020 extension of time fee submitted with the petition on March 29, 2006 was subsequent to the maximum period obtainable for reply (July 13, 2005), this fee has been refunded to petitioner's Deposit Account No. 50-1119.

The matter is being forwarded to Group Art Unit 2179 for consideration of the Amendment filed March 29, 2006.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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Technology Center 2100

ROGITZ & ASSOCIATES
750 B STREET
Suite 3120
SAN DIEGO, CA 92101

In re Application of: Nga Marie NGUYEN
Application No. 10/060,644
Attorney Docket No. 50N3463.03
Filed: January 30, 2002
For: WEB BROWSER AND SET TOP BOX INTERFACE SYSTEM AND METHOD

DECISION ON PETITION FOR SUPERVISORY REVIEW UNDER *37 CFR §1.181*

This is in response to the petition filed on September 10, 2007, under 37 CFR §1.181, for review of the denial of entry of the appeal brief filed April 17, 2007.

A petition under this section must include: (1) a statement of facts involved and (2) the point or points to be reviewed and the action requested. The petition filed September 10, 2007 includes elements (1) and (2) above.

The petition is **GRANTED**.

RECENT PROSECUTION HISTORY

On March 26, 2007, the Examiner issue a final Office action, rejection all pending claims (1-5, 13-17 and 25-29).

On April 17, 2007, a notice of appeal and appeal brief were filed.

On June 5, 2007, a (first) Notification of Non-Compliant Appeal Brief (37 CFR 41.37) was mailed to Appellant, indicating that Issue 6, identified in the appeal brief of April 17, 2007, was not in compliance.

On June 12, 2007 a response to the Notification of Non-Compliant Appeal Brief was filed.

On September 6, 2007, a (second) Notification of Non-Compliant Appeal Brief was mailed to Appellant, again indicating that Issue 6, identified in the appeal brief of April 17, 2007, was not in compliance.

On September 10, 2007, the instant petition under 37 CFR §1.181 was filed.

RELIEF REQUESTED

The instant petition under 37 CFR 1.181 requests the following relief: to declare that Appellant's case is ripe for appeal and that Appellants' appeal brief is compliant under 37 CFR § 41.37 i.e. that the Notification(s) of Non-Compliant Appeal Brief, mailed on June 5 and September 6, 2007 respectively, are improper.

BASIS OF OPINION

The relevant portions of the Statutes and Rules are reproduced below. Emphasis is added to draw attention to critical phrases.

> 1205.02 [R-3] Appeal Brief Content
> An appellant's brief must be responsive to every ground of rejection stated by the examiner >that the appellant is presenting for review in the appeal. ***If a ground of rejection stated by the examiner is not addressed in the appellant's brief, that ground of rejection will be summarily sustained by the Board***<.
>
> 37 CFR 41.37(c)(1) requires that the brief contain specific items, as discussed below. The brief must have all of the required items under appropriate headings in the order indicated in 37 CFR 41.37(c)(1). The headings are required even when an item is not applicable (e.g., if there is no evidence being relied upon by appellant in the appeal, the brief is still required to have the heading "Evidence appendix."). When there is no information related to the particular section heading of the brief, the word "none" should be used under the heading.
>
> The relevant items required by 37 CFR *>41.37(c)(1)< are:
> *>(iii)< Status of Claims. A statement of the status of all the claims in the application, or patent under reexamination, i.e., for each claim in the case, appellant must state whether it is cancelled, allowed >or confirmed<, rejected, >withdrawn, objected to,< etc. Each claim on appeal must be identified.
> **>**(vi)** Grounds of rejection to be reviewed on appeal. ***A concise statement of each ground of rejection presented for review.***< For example, the statement ** "Whether claims 1 and 2 are unpatentable" would not comply with **>the rule, while the statements< "Whether claims 1 and 2 are unpatentable under 35 U.S.C. 103 over Smith in view of Jones," *>and< "Whether claims 1 and 2 are unpatentable under 35 U.S.C. 112, first paragraph, as being based on a nonenabling disclosure" **>would comply with the rule. The statement cannot include any argument concerning the merits of the ground of rejection presented for review. ***Arguments should be included in the "Argument" section of the brief.***<
> **>(vii)< Argument. The appellant's contentions with respect to each **>ground of rejection< presented ** and the basis for those contentions, including citations of authorities, statutes, and parts of the record relied on, ***should be*** presented in this section. >A statement which merely points out what a claim recites will not be considered an argument for patentability of the claim.

With respect to the requested relief that Appellant's case is ripe for appeal, Petitioner argues that the Notification(s) of Non-Compliant Appeal Brief mailed in response to the appeal brief filed April 17, 2007 are improper. First, in support of the notification, the Examiner indicates that the brief fails to present an argument under a separate heading for each ground of rejection on appeal. To the contrary, the appeal brief clearly shows two grounds of rejection under appeal, under separate heading i.e. "(a) Claims 1, 2, 4, 5, 13, 14, 16, 17, 25, 26, 28, and 29 ...." and "(b) Claims 3, 15, and 27 ....", as set forth on page 4 in Section 6 "Grounds of Rejection to be Reviewed on Appeal" of the brief.

Second, in support of the notification, the Examiner indicates that the brief fails to present arguments of the Appellant in the Arguments section (pages 4-7 of section 7) with respect to each grounds of rejection presented for review and the basis therefore. To the contrary, the appeal brief clearly presents two headings that have been bolded and underlined and that respectively recite "First (or Second) Ground of Rejection" as well as a basis for their review. The fact that each claim has not been separately argued and that the "Second Ground of Rejection" merely states "For the reasons above, dependent claims 3, 15, and 27 are patentable" as its basis for review, such is held to be intrinsic evidence that Appellant has chosen to group claims 1-5, 13-17 and 25-29 together. Therefore, the instant claims are presented for appeal before the Board so as to stand or fall together.

As set forth above, the appeal brief filed April 17, 2007 has been determined to properly include each item, as identified under 37 CFR § 41.37. Thus, since the appeal brief filed April 17, 2007 includes each of the items, under the appropriate headings, and since the issues therein are deemed to be ripe for appeal, the brief is determined to be complete and proper.

DECISION

Thus, in accodance with the above discussion, the petition is **GRANTED**. Therefore, the notice of non-compliance mailed September 6, 2007 is hereby **VACATED**. Appellant's appeal brief of April 17, 2007 is proper and has been entered.

The application is being forwarded to the Examiner for appropriate action, consistent with this decision.

Any inquiries related to this decision may be directed to Quality Assurance Specialist Brian Johnson at (571) 272-3595.

Wendy Garber
Director
Technology Center 2100
Computer Architecture, Software, and Information Security

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Paper No. 122704

PRITZKAU PATENT GROUP, LLC
993 Gapter Road
Boulder, CO 80303

FEB 18 2005

In re Application of:
Ramon A. Caamano
Serial No.: 10/060,645
Filed: January 30, 2002
Attorney Docket No.: **CAM-1**

DECISION ON PETITION
TO WITHDRAW HOLDING
OF ABANDONMENT

This is a decision on the petition filed May 19, 2004, and supplemented on November 05, 2004. The petition has been treated as a petition under 37 C.F.R. § 1.181, to withdraw the holding of abandonment in the above-identified application. No fee is required.

The petition is **GRANTED.**

A non-final Office action was mailed on October 29, 2003. Although no Notice of Abandonment has been mailed, the application would have gone abandoned by operation of law at midnight, on January 29, 2004.

Practitioner asserts that the Office action mailed on October 29, 2003, was not received. To support this assertion, petitioner provided a statement attesting that a search of the file jacket and docket records showed that the Office action was not received. A copy of the file docket where the Office action would have been entered was also included with the petition. Practitioner also asserts that upon contacting the examiner of the instant application, a copy of the Office action was faxed to the practitioner on May 19, 2004.

A review of the written record indicates no irregularity in the mailing of the Office action, and in the absence of any irregularity 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 action must include a statement from the practitioner stating that the Office action 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 action was not received. A copy of the docket record where the non-received Office action would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See "Withdrawing the Holding of Abandonment When Office Actions Are Not Received" 1156 Official Gazette 53 (November 16,

1993) and M.P.E.P. § 711.03(c). A further review of the record reveals that the practitioner included a proper response to the Office action with the filing of the petition on May 19, 2004.

The petition and accompanying evidence, as supplemented, provides a sufficient showing that the practitioner did not receive the Office action mailed on October 29, 2003. Accordingly, the petition is granted. The application was not, in fact, abandoned.

It is noted that the examiner has already mailed a Notice of Allowance and Issue Fee Due on July 14, 2004, taking into account the response. The Issue Fee was paid on September 30, 2004. This decision does **not** set or change any period for response. This decision only addresses the unanswered petition of May 19, 2004.

The response to the Office action filed with the petition is accepted as timely and will be entered into the file. The application will be returned to Patent Publications for further processing.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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OFFICE OF PETITIONS

In re Application of

Fukuma, et al.

Application No. 10/060,659

Filed: January 30, 2002

Attorney Docket No. 1712660

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed July 26, 2006.

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

This application was held abandoned on January 14, 2006, after it was believed that no response was received to the final Office action mailed October 13, 2005. The final Office action allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed June 28, 2006, indicating that a reply to the final Office action was not received.

The instant petition maintains that the response to the final Office action was filed on December 13, 2005. A copy of the response containing a certificate of transmission dated December 13, 2005, accompanied the petition. Ms. Brenda Walton signed the certificate of transmission. It is noted that a statement of personal knowledge from Ms. Walton regarding the transmission of the response did not accompany the petition, but that a copy of a Auto-reply transmission sheet from the USPTO whereby the USPTO acknowledged receipt of nine pages on December 13, 2006, in application 10/739,774.

Section 711.03 of the *Manual of Patent Examining Procedure* provides, in pertinent part, that

> Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

The record reflects that the subject certificate under 37 CFR 1.8 was signed by Brenda Walton, but that no statement of personal knowledge regarding the timely transmission of the reply accompanied the petition document. It is further noted that the petition document did not explain how Mr. Schneider—who signed the petition document—had firsthand knowledge of the transmission. The Auto-Reply Transmission sheet that accompanied the petition might ordinarily be considered as corroborative evidence of the timely transmission of the reply to the final rejection, however; in this case the Auto-Reply Transmission sheet indicates that the reply was filed in application 10/739, 774, not the subject application. The evidence provided with the petition is, therefore, insufficient. The petition is dismissed, accordingly. Any renewed petition filed must be accompanied by a statement from Ms. Walton or from Schneider that complies with the guidance cited in MPEP § 711.03 cited above.

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

Telephone inquiries regarding this decision should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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In re Application of

Fukuma, et al.

Application No. 10/060,659

Filed: January 30, 2002

Attorney Docket No. 1712660

DECISION ON PETITION

This is a decision on the renewed petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed September 22, 2006.

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

This application was held abandoned on January 14, 2006, after it was believed that no response was received to the final Office action mailed October 13, 2005. The final Office action allowed a shortened statutory period for reply of three (3) months from its mailing date. Extensions of the time set for reply were available pursuant to 37 CFR 1.136(a). A Notice of Abandonment was mailed June 28, 2006, indicating that a reply to the final Office action was not received.

The instant renewed petition maintains that the response to the final Office action was filed on December 13, 2005. A copy of the response containing a certificate of transmission dated December 13, 2005, accompanied the petition. Ms. Brenda Walton signed the certificate of transmission. It is noted that a statement of personal knowledge from Ms. Walton regarding the transmission of the response did accompany the renewed petition as did a copy of a Auto-reply transmission sheet from the USPTO whereby the USPTO acknowledged receipt of nine pages on December 13, 2006, in application 10/739,774.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was transmitted prior to expiration of the shortened statutory period for reply. The holding of abandonment is withdrawn, accordingly. No petition fee is due.

The application file is being forwarded Technology Center 3600, GAU 3627, for further processing including entry of the copy of the amendment filed September 22, 2006.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

SPE: D. Moore

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/18/07

TO SPE OF : ART UNIT 2625

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/060,702 Patent No.: 7085022

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: _____

_____

_____

_____

_____

D. Moore — 2625

SPE **Art Unit**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Kuo-Jeng Wang
Application No.: 10/060,702
Filed: 1/30/2002

For: REPEATEDLY SAMPLING METHOD FOR IMAGE SCANNING
Issued: August 1, 2006
Patent No.: 7,085,022
Attorney Ref. No.: 112.P14200

CERTIFICATE OF TRANSMISSION

I hereby certify that this correspondence is being submitted via facsimile (571.273.8300) or Electronic Filing System or USPS to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on:

Kathryn L. Pundt 4/16/2007
Name of Person Transmitting Correspondence *Date*

Kathryn L. Pundt
Signature

CERTIFICATE OF CORRECTION BRANCH
COMMISSIONER FOR PATENTS
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450

Approved.
Please Enter.

C. Lee.
6-1-07.

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT UNDER 37 CFR 1.322

SIR/MADAM:

Assignee hereby requests that a certificate of correction under 37 C.F.R. § 1.322(a)(1)(i) be issued for the above-identified patent. Correction of the Official Letters Patent is respectfully requested for the following errors:

At Claim 2, line 58, "value" should be change to --values--

At Claim 2, line 61, "baseis" should be change to --basis--

At Claim 2, Line 63, insert --are-- between "range" and "eliminated" so that the text reads --range are eliminated--

At Claim 2, Line 64, "deyiation" should be changed to --deviation--

At Claim 4, Line 2, insert --is-- between "buffer" and replaced"; delete "is" after "replaced" so that the text reads --buffer is replaced with--

It is believed that corrections requested do not involve a change in the patent as would constitute new matter or would require re-examination. It is noted that these are inadvertent and are minor typographical errors.

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

SERIAL NUMBER	REQUEST DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/060,713	**2/27/02**	**ARNOLD WADE LOMAS, ET AL**	**DC4955**

Title: **ALKOXYSILYL FUNCTIONAL SILICONE BASED MATERIALS**

Art Unit	Paper Number

Correspondence Address:
JIM L. DE CESARE
DOW CORNING CORPORATION
INTELLECTUAL PROPERTY DEPT. CO1232
P. O. BOX 994
MIDLAND, MI 48686-0994

Licensee under 35 U.S.C. 184 is hereby granted to file in any foreign country a patent application and any amendments thereto corresponding to the subject matter of this U.S. application identified above and/or any material accompanying the petition. This license is conditioned upon modification of any applicable secrecy order and is subject to revocation without notice.

License Number: 528,501
Grant Date: 15-Mar-02

This license is granted retroactively to the date(s) and the country(s) indicated on the attached decision.

Approved:

for Commissioner of Patents and Trademarks

This license empowers the filing, the causation and the authorization of the filing of a foreign application or applications on the subject matter identified above, subsequent forwarding of all duplicate and formal papers and the prosecution of such aplication or applications.

This license is granted under 37 CFR 5.15(a)

This license is to be retained by the licensee and may be used at anytime on or after the date thereof. This license is not retroactive unless specifically indicated.

The grant of this license does not in any way lesson the responsibility of the 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 respecct to certain countries, of other agencies, particularly the Department of the Treasury; Office of Munitions Control, Department of State (with respect to Arms, Munitions and Implements of War); the Bureau of Trade Regulation, Office of Export Adminstration, Department of Commerce; and the Department of Energy.

LICENSE FOR FOREIGN FILING

[Title 35, United States Code (1952) Sections 184, 185, 186]

UNITED STATES PATENT AND TRADEMARK OFFICE

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

In re:	LOMAS, et al.	:DECISION ON REQUEST
Serial No.:	10/060713	:UNDER 37 CFR 5.25
Petition Filing Date:	February 27, 2002	
Docket No.:	DC4955	

Title: ALKOXYSILYL FUNCTIONAL SILICONE BASED MATERIALS

This is a decision on the renewed petition received February 27, 2002 for retroactive foreign filing license.

It has been determined that a retroactive license for foreign filing under 35 U.S.C. 184 be granted with respect to the filing(s) listed below. The petition complies with 37 C.F.R. 5.25 in that there is an adequate showing that the subject matter in question was not under secrecy order, that the license was diligently sought, and that the material was filed abroad without the required license under 37 C.F.R 5.11 through error and without deceptive intent.

Country	Application No.	Filing Date
United Kingdom	0202132.7	January 30, 2002

Yvonne R. Abbott
Patent Examiner
(703) 308-2866

10060732

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20060726

DATE : July 26, 2006

TO SPE OF : ART UNIT 2834

SUBJECT : Request for Certificate of Correction on Patent No.: 6603237

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-910
Palm location **7590** - Tel. No. 305-8201

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

Thank You For Your Assistance **Certificates of Correction Branch**

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

☒ **Approved** **All** changes apply.

☐ **Approved in Part** Specify below which changes **do not** apply.

☐ **Denied** State the reasons for denial below.

Comments:

SPE: Darren E. Schuberg **Art Unit** 2834

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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OPPENHEIMER WOLFF & DONNELLY LLP
38TH FLOOR
2029 CENTRUY PARK EAST
LOS ANGELES CA 90067-3024

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SEP 2 0 2002
OFFICE OF PETITIONS

In re Application of	:	
Huang et al.	:	DECISION GRANTING
Application No. 10/060,737	:	PETITION
Filed: 30 January, 2002	:	
Attorney Docket No. 510015-253	:	

This is a decision on the petition filed on 18 March, 2002, under 37 CFR 1.10(c) requesting that the above-identified application be accorded a filing date of 30 January, 2002, rather than the presently accorded filing date of 1 February, 2002.

The petition is **GRANTED**.

Petitioner alleges that the application was deposited in Express Mail service on 30 January, 2002. In support, on 18 March, 2002, petitioner supplied a copy of Express Mail Label No. EL920451817US (the same Express Mail number found on the itemized transmittal sheet accompanying the original application papers located in the official file). The "date-in" on the Express Mail Label, has not been completed. The Express Mail label, however, also contains an official USPS postmark, however, dated 30 January, 2002.

In view of the above, the petition is granted.

The application is being forwarded to the Office of Initial Patent Examination for correction of the filing date to **30 January, 2002**. Thereafter, the application will be forwarded to Technology Center 3700 for further processing.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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DIW 06-02

Paper No. 4

TINA POWERS
VERTEX PHARMACEUTICALS INC.
130 WAVERLY STREET
CAMBRIDGE MA 02139-4242

COPY MAILED

JUN 13 2002

OFFICE OF PETITIONS

In re Application of :
Lin et al. :
Application No. 10/060,738 : ON PETITION
Filed: 30 January, 2002 :
Attorney's Docket No. VPI/01-101 :

This is a decision on the petition filed on 24 April, 2002, requesting that the above-identified application be accorded a filing date of 30 January, 2002, with Pages 2 and 3 of the specification as a part of the original disclosure.

The petition is granted.

The application was filed on 30 January, 2002. However, on 25 February, 2002, Initial Patent Examination Division mailed a "Notice" stating, *inter alia*, that Pages 2 and 3 of the specification (description and claims) appeared to have been omitted from the application.

In response, on 24 April, 2002, Pages 2 and 3 of the specification and the present petition were filed. Petitioners argue that Pages 2 and 3 were filed with the other application papers on 30 January, 2002, but were subsequently misplaced in the U.S. Patent and Trademark Office (Office). In support, a copy of petitioners' postcard receipt was supplied with the present petition. The postcard receipt shows an Office date stamp of 30 January, 2002 and the above-identified application number, identifies the application by docket number and invention title, and acknowledges receipt of, *inter alia*, specification (35 pgs). Petitioners request that the application, including Pages 2 and 3 of the specification, be accorded a filing date of 30 January, 2002.

A review of the record reveals that no Pages 2 and 3 of the specification have been located among the application papers received on 30 January, 2002. However, the evidence is convincing that the application papers deposited on 30 January, 2002, included Pages 2 and 3 of the specification, which were subsequently misplaced in the Office. Therefore, the application, including Pages 2 and 3 of the specification, is entitled to a filing date of 30 January, 2002.

The "Notice" mailed on 25 February, 2002, is vacated to the extent that it stated that Pages 2 and 3 of the specification appeared to have been omitted.

In view of the above, the petition is granted. No petition fee is due and none has been charged.

The application will be processed with the copy of Pages 2 and 3 supplied on 24 April, 2002, as a part of the original disclosure.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 30 January, 2002, using the application papers filed on 30 January, 2002, and the copy of Pages 2 and 3 supplied on 24 April, 2002.

Telephone inquires should be directed to Petitions Attorney Douglas I. Wood at 703 308-6918.

D Wood

Douglas I. Wood
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Beverly M. Flanagan

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

UNITED STATES
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TRADEMARK OFFICE

Under Secretary of Commerce for Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
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OIPE JC67
MAY 20 2002
PATENT & TRADEMARK OFFICE

Paper No. 20

Lalos and Keegan
1146 Nineteenth Street, N. W.
Fifth Floor
Washington, DC 20006-3703

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JAN 18 2002
OFFICE OF PETITIONS

In re Application of :
Bill Kitchen, et al. :
Application No. 09/034,561 : ON PETITION
Filed: March 3, 1998 :
Attorney Docket No. 33500-00005 :

This is a decision on the Petition under 37 CFR 1.47(a), filed November 30, 1998.

The petition is granted.

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

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the addresses given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to the Office of Publications.

Telephone inquiries regarding this decision should be directed to Marianne Morgan at (703) 306-3475.

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

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MAY 22 2002
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RECEIVED
JAN
24
2002
LALOS & KEEGAN

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

ALFRED A. STADNICKI
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209

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MAR 0 8 2006

OFFICE OF PETITIONS

In re Application of :
KITCHEN et al. :
Application No. 10/060,745 : DECISION ON PETITION
Filed: February 1, 2002 : TO WITHDRAW
Attorney Docket No. 3350-05L : 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 June 24, 2005.

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 Alfred A. Stadnicki on behalf of all attorneys of record who are associated with Customer No. 20457.

A review of the file indicates that Alfred A. Stadnicki was given power of attorney for the above-identified application, but not all other practitioners associated with Customer Number 20457. As such, Alfred A. Stadnicki has been withdrawn; all other attorneys remain of record.

The correspondence address of record has been changed and the new correspondence address is the address indicated below.

There is an outstanding Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed January 10, 2006 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to the undersigned at (517) 272-4787.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: Mr. Hans Dreyer
Director, Intellectual Property (Legal Department)
CheckFree Corporation
6000 Perimeter Drive
Dublin, OH 43017-3233

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FREDERICK W. GIBB, III
GIBB INTELLECTUAL PROPERTY LAW FIRM, LLC
2568-A RIVA ROAD
SUITE 304
ANNAPOLIS MD 21401

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FEB 26 2007

OFFICE OF PETITIONS

In re Application of
Robert J. Devins et al.
Application No. 10/060,750
Filed: January 30, 2002
Attorney Docket No: **BUR9-2001-0016-US1**

ON PETITION

This is a decision on the petition to withdraw the holding of abandonment, filed January 30, 2007, under 37 CFR 1.181, in accordance with the reasoning of the decision in Delgar Inc. v. Schuyler, 172 USPQ 513.

The petition is **GRANTED**.

This application became abandoned on July 13, 2006, for failure to file an Appeal Brief, in response to a Notice of Panel Decision from Pre Appeal Brief Review, mailed June 6, 2006, which set a period of response of the greater of one (1) month from the mailing of the Notice or two (2) months from the filing of the May 12, 2006 Notice of Appeal. Accordingly, a Notice of Abandonment was mailed January 17, 2007. Petitioner asserts that the office communication mailed June 6, 2006 was never received.

The file record discloses that the office communication was mailed to the address of record which is the same address used on all correspondences from the USPTO including the Notice of Abandonment. Petitioner has provided a copy of the docket report, wherein receipt of the office communication mailed June 6, 2006 would have been filed, had it been received. To further show that the office communication mailed June 6, 2006 was not received, petitioner explains that after searching the file jacket it was concluded that no correspondence was received for this matter from the USPTO,

In that the statement from the petitioner and the exhibit from the docket record for the instant matter show no entry indicating receipt of the office communication mailed June 6, 2006, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the office communication.

In view of the facts set forth in the petition, it is concluded that the office communication was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This matter is being referred to Technology Center 2123 for a re-mailing of the Notice of Panel Decision from Pre Appeal Brief Review originally mailed June 6, 2006 and for a restarting of the period for response.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SHERRY SCHUMM
C/O INTELLEVATE, LLC
P.O. BOX 52050
MINNEAPOLIS, MN 55402

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JAN 23 2008

OFFICE OF PETITIONS

In re Application of :
SKIBA, et al. :
Application No. 10/060,754 : DECISION ON PETITION
Filed: January 30, 2002 : TO WITHDRAW
Attorney Docket No. **2329-010U** : 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 February 21, 2007.

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

A review of the file record indicates that the power of attorney to **SHERRY SCHUMM C/O INTELLEVATE, LLC** has been revoked by the assignee of the patent application on February 5, 2007. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-7253.

Monica A. Graves
Petitions Examiner
Office of Petitions

cc: **MESCHKOW & GRESHAM, PLC.**
5727 NORTH SEVENTH STREET, SUITE 409
PHOENIX, AZ 85014

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 11

DAVIS WRIGHT TREMAINE, LLP
2600 CENTURY SQUARE
1501 FOURTH AVENUE
SEATTLE WA 98101-1688

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FEB 17 2004

OFFICE OF PETITIONS

In re Application of
Itoh, et al.
Application No. 10/060,765
Filed: January 29, 2002
Attorney Docket No. 201130.408D1
FOR: HUMAN FGF-21 GENE AND GENE EXPRESSION PRODUCTS

ON
PETITION

This is a decision on the petition under 37 CFR 1.137(a), filed February 2, 2004, to revive the above-identified application. In the alternative, petitioner requests revival under 37 CFR 1.137(b).

The petition under 37 CFR 1.137(a) is **DISMISSED**.

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

The above-identified application became abandoned for failure to timely reply to Restriction Requirement, mailed June 11, 2003, which set a period for reply of one (1) month. No timely reply was filed. Thus, this application became abandoned on July 12, 2003. A Notice of Abandonment was mailed on December 17, 2003.

Petitioners allege that the June 11, 2003 Restriction Requirement was not received at the correspondence address of record.

A grantable petition to revive an abandoned application under 37 CFR 1.137(a) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof; (2) the petition fee as set forth in § 1.17(l);[1] (3) a showing to the satisfaction of

[1] The petition fee of $110.00 for requesting revival under 37 CFR 1.137(a) will be charged to deposit account no. 04-0258.

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).

With respect to (3), the showing of record is inadequate to establish unavoidable delay within the meaning of 37 CFR 1.137(a). Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, telefacsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

The Commissioner may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Commissioner to have been "unavoidable". 35 USC § 133. Decisions on reviving abandoned applications have adopted the reasonably prudent person standard in determining if the delay was unavoidable. Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (Comm'r Pat. 1887)(the term 'unavoidable' "is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business"); In re Mattullath, 38 App. D.C. 497, 514-15 (D.C. Cir. 1912); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (Comm'r Pat. 1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition to revive an application as unavoidably abandoned cannot be granted where a petitioner has failed to meet his or her burden of establishing the cause of the unavoidable delay. Haines v. Quigg, 673 F. Supp. 314, 5 USPQ2d 1130 (N.D. Ind. 1987).

The showing required to establish nonreceipt of an Office communication must include:

1. 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.
2. 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.

A review of the record indicates no irregularity in the mailing of the June 11, 2003 Restriction Requirement, and in the absence of any irregularity there is a strong presumption that the communication was properly mailed to applicants at the correspondence address of record. This presumption may be overcome by a showing that the aforementioned communication was not in fact received.

Petitioners have not proven nonreceipt because practitioners did not include a statement that a thorough search of the file jacket and docket records was conducted. The Seed Intellectual Property Law Group, PLLC (Seed) was responsible for processing and docketing Office

correspondence at the time the June 11, 2003 Restriction Requirement was mailed. The current group of attorneys did not directly receive Office correspondence until December 2003. Seed is the only entity that can attest to the events that transpired around June 11, 2003 with respect to the search of the file jacket and docketing procedures.

The petition under 37 CFR 1.137(a) is **dismissed**.

Petitioners have submitted a reply in the form of a response to the Restriction Requirement, an acceptable statement of the unintentional nature of the delay in responding to the June 11, 2003 Restriction Requirement, and the $,1330.00 petition fee.

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

After the mailing of this decision the application will be forwarded to Technology Center 1600's technical support staff for entry of the response to the Restriction Requirement filed on February 2, 2004 and further examination.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
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Paper No. 6

David T. Bracken
The Law Office of David T. Bracken
4839 East Bond Avenue
Orange, California 9286909

MAILED

DEC 0 9 2002

Technology Center 2100

In re Application of: Howard B. Rosen)
Application No. 10/060,768)
Filed: January 30, 2002)
For: PROGRAMMABLE THERMOSTAT SYSTEM EMPLOYING A TOUCH SCREEN UNIT FOR INTUITIVE INTERACTIVE INTERFACE WITH A USER)

DECISION ON PETITION TO MAKE SPECIAL UNDER 37 C.F.R. §1.102(d) AND MPEP § 708.02 (I): MANUFACTURE

This is a decision on the petition, filed November 6, 2002, under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(I): Manufacture, to make the above-identified application special.

The Petition is **DISMISSED**

In compliance with M.P.E.P. § 708.02(I), the petition must be accompanied by the required fee pursuant to 37 C.F.R. § 1.17(h) and a statement by the applicant, assignee or attorney/agent registered to practice before the Office alleging:

> (A) The possession by the prospective manufacturer of sufficient presently available capital (stating approximately the amount) and facilities (stating briefly the nature thereof) to manufacture the invention in quantity or that sufficient capital and facilities will be made available if a patent is granted.
>
> If the prospective manufacturer is an individual, there must be a corroborating affidavit from some responsible party, as for example, an officer of a bank, showing that said individual has the required available capital to manufacture;
>
> (B) That the prospective manufacturer will not manufacture, or will not increase present manufacture, unless certain that the patent will be granted;
>
> (C) That the prospective manufacturer obligates himself, herself or itself, to manufacture the invention, in the United States or its possessions, in quantity immediately upon the allowance of claims or issuance of a patent which will protect

the investment of capital and facilities; and

(D) That the applicant or assignee has made or caused to be made a careful and thorough search of the prior art, or has a good knowledge of the pertinent prior art.

Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petition does not meet the requirements for special status. Although Applicant states (in ¶6 of the Declaration) that he obligates himself to manufacture in the United States in compliance with paragraph (C) above, Applicant (in ¶3 of the Declaration) identifies facilities in Canada and People's Republic of China to meet the requirement of paragraphs (A) above. The identification of production facilities outside the USA can not support the requirement for manufacture within the USA.

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.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

AUG 2 5 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

David T. Bracken
The Law Office of David T. Bracken
4839 East Bond Avenue
Orange, California 92869

In re Application of: Howard B. Rosen)
Application No. 10/060,768)
Filed: January 30, 2002)
For: PROGRAMMABLE THERMOSTAT SYSTEM EMPLOYING A TOUCH SCREEN UNIT FOR INTUITIVE INTERACTIVE INTERFACE WITH A USER)

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

This is a decision on the petition, filed May 21, 2004, requesting to make the above-identified application special under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement.

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

Applicants' 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 Information Security
(703) 306-4160

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. None

ROSENBERG, KLEIN & LEE
3458 ELLICOTT CENTER DRIVE-SUITE 101
ELLICOTT CITY MD 21043

COPY MAILED

JAN 30 2007

OFFICE OF PETITIONS

In re Application of	:	
Chih-Chen Chang et al.	:	
Application No. 10/060,776	:	DECISION ON PETITION
Filed: February 1, 2002	:	UNDER 37 C.F.R. §1.181
Attorney Docket No.: MR2381-85	:	
Title: CHRISTMAS TREE STRUCTURE	:	
OF DECORATING LAMP	:	

This is a decision on the petition filed November 3, 2004, pursuant to 37 C.F.R. §1.181, requesting that the holding of abandonment in the above-identified application be withdrawn.

The Office regrets the period of delay in issuing this decision.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed January 31, 2003, which set a shortened statutory period for reply of three months. No response was received, and no extensions of time under the provisions of 37 C.F.R. §1.136(a) were requested. Accordingly, the above-identified application became abandoned on May 2, 2003. A notice of abandonment was mailed on August 8, 2003.

With the present petition, Petitioner's representative has asserted that a response was submitted on July 29, 2003, along with a three-month extension of time to make timely the

response. Petitioner's representative has further submitted a postcard receipt (which contains a date stamp from the Office of Initial Patent Examination dated July 31, 2003) and a copy of this submission (which contains a certificate of mailing dated July 29, 2003).

Moreover, the electronic file has been reviewed, and a copy of this response has been located in the same.

Petitioner's representative has requested that the holding of abandonment in the above-identified application be withdrawn. It is clear that a response was timely received on July 31, 2003. Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner's representative has met his burden of establishing that a submission was timely submitted.

Accordingly, the petition under 37 C.F.R. §1.181(a) is **GRANTED**. The holding of abandonment is **WITHDRAWN**.

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the amendment that was received on July 31, 2003 can be processed.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If Petitioner's representative desires to receive future correspondence regarding this application, the change of correspondence address must be submitted.

A courtesy copy of this decision will be mailed to Petitioner's representative. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

Petitioner's representative will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For Petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[1]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski

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

cc: Charles Baxley
90 John Street - Third Floor
New York, NY 10038

1 Petitioner's representative 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's representative is reminded that no telephone discussion may be controlling or considered authority for any further action(s) of Petitioner's representative.

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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SEP 29 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 3600

SUPREME PATENT SERVICES
POST OFFICE BOX 2339
SARATOGA CA 95070

Paper No 6

In re Application of :
Chang, Tony :
Application No.10/060783 :
Filed: January 30, 2002 :
For: FOLDABLE CHAIR WITH RECLINING BACK

DECISION ON PETITION
TO WITHDRAW THE
HOLDING OF ABANDONMENT

The paper filed July 3, 2003 has been treated as a Petition to Withdrawal the Holding of Abandonment.

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

☐ Postcard receipt being dated_____

☒ USPTO return facsimile receipt dated December 21, 2002.

☐ Certificate of Mailing/Transmission signed on _____
and supported by a statement under 37 C.F.R. 1.8(b)(3).

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

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

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

This application is being forwarded to the examiner for appropriate action.

en/9/24/03

STEVEN N. MEYERS
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 3600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Legal Department (M-495)
P.O. Box 1926
Spartanburg SC 29304

COPY MAILED

SEP 2 4 2008

In re Application of	:	
Donahue	:	
Application No.: 10/060785	:	DECISION ON
Filing or 371(c) Date: 01/30/2002	:	PETITION
Attorney Docket Number: 5155A	:	

This is a decision in response to the "Response to Notice of Abandonment," filed September 2, 2008, wherein Applicant asserts that a response to the Notice of Appeal is due September 2, 2008 with a three (3) month extension. The Response is properly treated as a petition under 37 CFR 1.181 to withdraw the holding of abandonment based upon evidence that a timely response was filed.

This Petition is hereby **dismissed**.

Any further petition must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under [insert the applicable code section]." This is **not** final agency action within the meaning of 5 U.S.C. § 704.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed October 30, 2007. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply on March 31, 2008, in the form of an Amendment. The Amendment failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action Before the Filing of an Appeal Brief, mailed May 14, 2008. No complete and proper reply having been filed, the application became abandoned on January 31, 2008. A Notice of Abandonment was mailed August 6, 2008.

The present petition

Applicant files the present petition and asserts that a response to the Notice of Appeal is due September 2, 2008 with a three (3) month extension.

Review of the application file

A review of the application file reveals that Applicant included among the Comments in the Fax Coversheet filed March 31, 2008 the following: Notice of Appeal From The Primary Examiner to the Board of Appeals – 1 page. Office records also reveal that the Office charged Applicant's deposit account the fee for filing an Appeal Brief - $510.00 – on March 31, 2008. However, Office records do not reveal that a Notice of Appeal was filed in the present application. Applicant has also not demonstrated with the petition that a Notice of Appeal was filed in this Office on March 31, 2008.

Applicable Law Rules and MPEP

The applicable statute, 35 U.S.C. § 133, Time for prosecuting application, states

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

Abandonment takes place by operation of law for failure to reply to an Office action or timely pay the issue fee, not by operation of the mailing of a Notice of Abandonment. See Lorenz v. Finkl, 333 F.2d 885, 889-90, 142 USPQ 26, 29-30 (CCPA 1964); Krahn v. Commissioner, 15 USPQ2d 1823, 1824 (E.D. Va 1990); In re Application of Fischer, 6 USPQ2d 1573, 1574 (Comm'r Pat. 1988).

It is well settled that the use of "shall" in a statute is the language of command, and where the directions of a statute are mandatory, strict compliance with the statutory terms is essential. Farrel Corp. v. U.S. Int'l Trade Comm'n, 942 F.2d 1147, 20 USPQ2d 1912 (Fed. Cir. 1991).

This section of the statute is further clarified in Office rule 37 CFR § 1.135, Abandonment for failure to reply within time period, which states

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.
> (c) When reply by the applicant is a bona fide attempt to advance the application to final action, and is substantially a complete reply to the non-final Office action, but consideration of some matter or compliance with some requirement has been inadvertently omitted, applicant may be given a new time period for reply under § 1.134 to supply the omission.

This section explains that the reply must be both complete and proper as the condition of the application may require.

37 CFR 1.8, Certificate of mailing or transmission, provides in relevant part:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to § 1.957(a), 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 that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.
> (c) The Office may require additional evidence to determine if the correspondence was timely filed.

37 CFR 1.8(b)(Emphasis supplied).

The MPEP 503 provides:

A postcard receipt which itemizes and properly identifies the items which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Analysis

A review of the application file reveals that no Notice of Appeal was filed in this application on March 31, 2008. A review of the petition reveals that Applicant has failed to demonstrate compliance with 37 CFR 1.8 or MPEP 503. Applicant has not filed a copy of the previously mailed or transmitted Notice of Appeal. nor has Applicant filed a copy of the sending unit's report confirming transmission of the Notice of Appeal.

As provided in the Manual of Patent Examining Procedure, 711.03(c)B,Petition To Withdraw Holding of Abandonment Based on Evidence That a Reply Was Timely Mailed or Filed,

> Where a certificate of mailing under 37 CFR 1.8, but not a postcard receipt, is relied upon in a petition to withdraw the holding of abandonment, see 37 CFR 1.8(b) and MPEP § 512. As stated in 37 CFR 1.8(b)(3) the statement that attests to the previous timely mailing or transmission of the correspondence must be on a personal knowledge basis, or to the satisfaction of the Director of the USPTO. If the statement attesting to the previous timely mailing is not made by the person who signed the Certificate of Mailing (i.e., there is no personal knowledge basis), then the statement attesting to the previous timely mailing should include evidence that supports the conclusion that the correspondence was actually mailed (e.g., copies of a mailing log establishing that correspondence was mailed for that application). When the correspondence is shown to have been timely filed based on a certificate of mailing, the correspondence is entered into PALM with the actual date of receipt (i.e., the date that the duplicate copy of the papers was filed with the statement under 37 CFR 1.8).

Conclusion

The application is abandoned. The petition is dismissed without prejudice. Applicant should file a request for reconsideration and include the necessary statements and copies of documents and records to support the suggestion that a Notice of Appeal was filed on March 31, 2008.

Alternate Venue

Alternatively,

> [w]here an applicant contends that the application is not in fact abandoned (e.g., there is disagreement as to the sufficiency of the reply, or as to controlling dates), a petition under 37 CFR 1.181(a) requesting withdrawal of the holding of abandonment is the appropriate course of action, and such petition does not require a fee. Where there is no dispute as to whether an application is abandoned (e.g., the applicant's contentions merely involve the cause of abandonment), a petition under 37 CFR 1.137 (accompanied by the appropriate petition fee) is necessary to revive the abandoned application.

MPEP 711.03(c).

If Applicant is unable to demonstrate that a Notice of Appeal was timely filed, Applicant is urged to file a petition under 37 CFR 1.137(b) stating that the delay in filing a complete and proper reply to the Office action was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in was "unavoidable."

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay can not make a statement that the delay was unintentional unless the entire delay, including the delay from the date it was discovered that the application was abandoned until the filing of the petition to revive under 37 CFR 1.137(b), was unintentional. A statement that the delay was unintentional is not appropriate if petitioner intentionally delayed the filing of a petition for revive under 37 CFR 1.137(b).

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

By mail: Director for Patents
PO Box 1450
Alexandria, VA 22313-1450

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

By hand: Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Legal Department (M-495)
P.O. Box 1926
Spartanburg SC 29304

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DEC 19 2008

OFFICE OF PETITIONS

In re Application of	:	
Donahue	:	
Application No.: 10/060785	:	DECISION ON
Filing or 371(c) Date: 01/30/2002	:	PETITION
Attorney Docket Number: 5155A	:	

This is a decision in response to the Renewed Petition Under 37 CFR 1.181, filed November 24, 2008.

This Petition is hereby **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the final Office action, mailed October 30, 2007. The Office action set a three (3) month period for reply. Extensions of time were available under 37 CFR 1.136(a). Applicant filed a reply on March 31, 2008, in the form of an Amendment. The Amendment failed to place the application in condition for allowance. Applicant was so notified in an Advisory Action Before the Filing of an Appeal Brief, mailed May 14, 2008. No complete and proper reply having been filed, the application became abandoned on January 31, 2008. A Notice of Abandonment was mailed August 6, 2008.

The September 2, 2008 petition

Applicant filed a petition to withdraw the holding of abandonment on September 2, 2008, and asserted that a response to the Notice of Appeal is due September 2, 2008 with a three (3) month extension. Applicant filed a Request for Continued Examination and a three (3) month extension of time with the petition.

The petition was dismissed in a Decision mailed September 24, 2008. The Decision informed Applicant that a review of the application file revealed that no Notice of Appeal was filed in this application on March 31, 2008. Applicant had also failed to demonstrate in the petition that a Notice of Appeal had been filed in compliance with 37 CFR 1.8 or MPEP 503. Applicant had not filed a copy of the previously mailed or transmitted Notice of Appeal, nor had Applicant filed a copy of the sending unit's report confirming transmission of the Notice of Appeal.

The present renewed petition

Applicant files the present renewed petition and a copy of the Notice of Appeal, and a copy of an Auto Reply Facsimile Transmission report acknowledging receipt from Applicant of 17 pages by this Office on March 31, 2008. A review of the reply reveals that it contains a Certificate of Transmission executed by petitioner herein, certifying to the transmission of the Notice of Appeal on March 31, 2008.

Applicable Law, Rules and MPEP

The file record does not include the originally submitted papers. Failure to receive correspondence which includes a certificate of mailing or certificate of facsimile transmission is addressed in 37 CFR 1.8(b), reproduced below:

> In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed or decided with prejudice, or the prosecution of a reexamination proceeding is terminated pursuant to § 1.550(d) or § 1.957(b) or limited pursuant to § 1.957(c), or a requester paper is refused consideration pursuant to §a), 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 that attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing, transmission or submission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement. If the correspondence was transmitted via the Office electronic filing system, a copy of an acknowledgment receipt generated by the Office electronic filing system confirming submission may be used to support this statement.
>
> (c) The Office may require additional evidence to determine if the correspondence was timely filed.

Analysis and conclusion

Applicant has complied with the requirements of 37 CFR 1.8(b).

In view of the foregoing, the petition is granted. The holding of abandonment is hereby withdrawn.

The application will be referred to Technology Center Art Unit 3627 for processing of the Notice of Appeal and subsequent RCE withdrawing the appeal, in the normal course of business.

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

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 7

The Dow Chemical Company
Intellectual Property Section
P.O. Box 1967
Midland, MI 48641-1967

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AUG 0 6 2004

OFFICE OF PETITIONS

In re Application of :
Katherine S. Clement, et. al. :
Application No. 10/060,791 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No. 60072A :

This is a decision on the petition under 37 CFR 1.137(b), filed July 26, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Application (Notice) mailed March 21, 2002. 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 after midnight May 21, 2002.

In response, petitioner submitted with the instant petition $1,330 for the petition to revive fee, an Oath/Declaration, and a $130 surcharge for the late filing of the Oath/Declaration.

The petition is **GRANTED**.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 308-6711.

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

#5

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

PATENT & TRADEMARK OFFICE
MAILED
JUN 14 2002
LICENSING & REVIEW

Stephen G. Ryan
Amersham Biosciences
800 Centennial Avenue
Piscataway, NJ 08855

In re Application of:
Yizhong Gu ET AL:
For Serial No. 10/060,830

DECISION ON
REQUEST FOR
RECONSIDERATION

Filed: January 30, 2002
For: **HUMAN LCCL DOMAIN CONTAINING PROTEIN**

This is a decision on the REQUEST FOR RECONSIDERATION filed June 7, 2002 responding to the communication (FORM PTOL-456) mailed May 21, 2002.

The request has been **DENIED** to the extent indicated below.

42 U.S.C. 2182 states in part **"... useful in the production or utilization of special nuclear material or atomic energy".** A review of the application file history reveals among other things the use of a radioactive isotope "^{33}P " as disclosed in at least page 27 of the instant specification. Therefore under the directions from the Department of Energy (DOE) this application has been made available to them under 42 U.S.C. 2182 since the following subject matter relates to at least one of the following:

G. Materials, apparatus and methods concerning isotope and/or radioactive source technology including those utilizing (including responsive to) radioactive sources in:

a. Life Sciences such as medicine (diagnostic and therapeutic), ecology, disease and pest control, animal husbandry, etc.

b. Industrial processes such as food processing, sterilization, polymer production, etc.

c. Investigations of the environment or the earth

H. Instruments employing a radioactive source and/or radioactivity detector in the operation thereof.

Applicant is reminded that a response is due within forty-five days of the mailing date of the communication (FORM PTOL-456). The communication having been mailed May 21, 2002.

Joanne P. Hodge
Supervisory Legal Instruments Examiner
Licensing and Review
Patent Technology Center 3600

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

Gabor L. Szekeres
8141 E. Kaiser Boulevard
Suite 112
Anaheim, CA 92808

MAILED

SEP 10 2002

Office of the Director
Group 3600

Paper No. 7

In re application of : **DECISION ON PETITION**
Burton Barnett : **TO MAKE SPECIAL**
Application No. 10/060,840 : **(COUNTER TERRORISM)**
Filed: January 30, 2002
For: CARGO TRAILER ANTI-TERRORIST
AND ANTI-THEFT SYSTEM

This is in response to the petition filed on January 30, 2002 to make the above-identified application special on the basis of inventions for countering terrorism as set forth in MPEP § 708.02 XI.

The requirements for granting special status under this section are: (A) a petition to make special accompanied by the fee set forth in 37 CFR 1.17(i); and (B) a statement explaining how the invention contributes to countering terrorism.

Applicant's petition explains that the invention describes "means by which law enforcement authorities can stop a moving truck or truck trailer combination without the need for engaging in any type of physical contact with the moving truck". Specifically, an electronic/electro-mechanical device built into the brake system to force the brakes to engage and lock upon the transmission of a code known only to law enforcement authorities. This is an acceptable explanation of how the invention would act to counter terrorism.

Since all of the requirements for special status under MPEP § 708.02 VIII have been met, the petition is **GRANTED**.

The examiner is directed (1) to make an interference search for possible interfering applications, (2) to promptly examine this application out of turn, and (3) if any interfering application is discovered, to examine such application simultaneously and state in the first official letter of such application that it is being taken out of turn because of a possible interference.

Petitioner is advised that this application will continue to be special, throughout its entire prosecution and pendency, including interference or appeal, if any, only if petitioner makes a prompt ***bona fide*** effort, in response to each Office action, to place the application in condition for allowance, even if it is necessary to conduct an interview with the examiner to accomplish this purpose.

SUMMARY: Petition to Make Special **GRANTED**.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM: 9/9/02

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
10/060,845	01/29/2002	Bernard Bihain	GEN-T116D1

CONFIRMATION NO. 8717

23557
SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
2421 N.W. 41ST STREET
SUITE A-1
GAINESVILLE, FL 326066669

RECEIVED
APR 20 2002

FORMALITIES LETTER

C000000007878779

Date Mailed: 04/17/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is missing.
  A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of $130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is $ 130.**

A copy of this notice MUST be returned with the reply.

#D

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 2 - COPY TO BE RETURNED WITH RESPONSE

05/16/2002 MHARMOL 00000005 190065 10060845

01 FC:105 130.00 CH

FACSIMILE COVER SHEET

SALIWANCHIK, LLOYD & SALIWANCHIK
A Professional Association
2421 N.W. 41st Street
Suite A-1
Gainesville, FL 32606

Telephone (352) 375-8100
Facsimile (352) 372-5800

FAX RECEIVED
MAY 0 2 2002
GROUP 1600

TO:		**FROM:**	Frank C. Eisenschenk, Ph.D. (Reg. No. 45,332)
COMPANY:	U.S. Patent & Trademark Office, **Art Unit 1656**	**DATE:**	May 1, 2002
FAX NO.:	703-308-4556	**NO. OF PAGES: (INCLUDING COVER SHEET)**	12

SUBJECT/MESSAGE:

U.S. Patent Application Docket No. GEN-T116D1
LIPOPROTEIN-REGULATING MEDICANTS
(Bihain, *et al.*)
Serial No. 10/060,845; filed January 29, 2002

OFFICIAL

THIS IS AN OFFICIAL DOCUMENT.
PLEASE DELIVER IMMEDIATELY. Thank you.

Attachments: Transmittal Letter (Response to Notice to File Missing Parts)
Copy of Executed Declaration and Power of Attorney
Copy of Assignment
Copy of Revocation and New Power of Attorney forms
Response Copy of Notice to File Missing Parts

The information contained in this facsimile message is intended only for the personal and confidential use of the designated recipients named above. This message may be an attorney-client communication, and as such is privileged and confidential. If the reader of this message is not the intended recipient or an agent responsible for delivering it to the intended recipient, you are hereby notified that you have received this document in error, and that any review, dissemination, distribution, or copying of this message is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone and return the original message by mail. Thank you.

If you do not receive all pages or if any transmission is not legible, call the sender at (352)375-8100.

H:\FCE\Gen\T116D1\Fax2Examiner.doc/DNB/jaj___

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office on May 1, 2002.

Frank C Eisenschenk

Frank C. Eisenschenk, Ph.D., Patent Attorney

MISSING PARTS
Examining Group 1656
Patent Application
Docket No. GEN-T116D1
Serial No. 10/060,845

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Examiner	:	(Unassigned)
Art Unit	:	~~1656~~ 1637
Applicants	:	Bernard Bihain, Lydie Bougueleret, and Frances Yen-Potin
Serial No.	:	10/060,845
Filed	:	January 29, 2002
Confirm. No.	:	8717
For	:	Lipoprotein-Regulating Medicaments

BOX MISSING PARTS
Assistant Commissioner for Patents
Washington, D.C. 20231

TRANSMITTAL LETTER

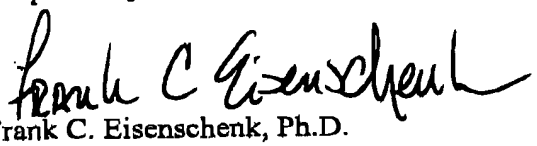
Sir:

Transmitted herewith is a copy of an executed Declaration (37 C.F.R. § 1.63) and Power of Attorney form. Also transmitted herewith are copies of Assignments and Revocation and New Power of Attorney forms for this matter. A Notice to File Missing Parts of Application was received from the Patent and Trademark Office, and a copy of that Notice is attached hereto.

S:\sh-resp\gen\t116d1\Response-Missing-Parts.doc/DNB/juj

Please charge the surcharge of $130.00 to Deposit Account No. 19-0065. The Commissioner is hereby authorized to charge any additional fees which may be required to Deposit Account No. 19-0065. Two copies of this transmittal letter are enclosed.

Respectfully submitted,



Frank C. Eisenschenk, Ph.D.
Patent Attorney
Registration No. 45,332
Phone No.: 352-375-8100
Fax No.: 352-372-5800
Address: Saliwanchik, Lloyd & Saliwanchik
A Professional Association
2421 NW 41st Street, Suite A-1
Gainesville, FL 32606-6669

FCE/jaj

Enclosures: Copy of Executed Declaration and Power of Attorney
Copy of Assignment
Copy of Revocation and New Power of Attorney forms
Response Copy of Notice to File Missing Parts

S:\sh-resp\gen\t116d1\Response-Missing-Parts.doc/DNB/jaj

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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Paper No. 6

TERRY L. WILES
POPOVICH & WILES, P.A.
IDS CENTER, SUITE 1902
80 SOUTH 8TH STREET
MINNEAPOLIS, MN 55402

COPY MAILED

AUG 2 2 2002

OFFICE OF PETITIONS

In re Application of :
Richard S. Kusleika et al :
Application No. 10/060,854 : NOTICE
Filed: January 30, 2002 :
Attorney Docket No. MVA1004USC2 :

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 3700.

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

CONLEY ROSE, P.C.
5700 GRANITE PARKWAY
SUITE 330
PLANO, TX 75024

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MAY 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Paul Patterson :
Application No. 10/060,873 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No. 4008-00301 :

This is a decision on the petition under 37 CFR 1.137(b), filed April 13, 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 May 19, 2004, which set a shortened statutory period for reply of one (1) month. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on June 20, 2004.

Telephone inquiries concerning this decision should be directed to Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 3764.

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

JUN 2 3 2004

In re Application of	:	
Stacy Williams	:	
Serial Number : 10/060,928	:	WITHDRAWAL
Filed : January 29, 2002	:	FROM
For : METHOD AND KIT FOR GROWING	:	ISSUE
CROSS-SHAPED CRYSTALS	:	

The purpose of this communication is to inform you that the above-identified application is being withdrawn from issue pursuant to 37 CFR 1.313.

The application is being withdrawn to permit reopening of prosecution. The reasons therefore will be communicated to you by the examiner.

PTO records reveal that the issue fee has not been paid. If the issue fee has been submitted, the applicant may request a refund or may request that the fee be credited to a deposit account. However, applicant may wait until the application is either again found allowable or held abandoned. If the application is allowed, upon receipt of a new Notice of Allowance and Issue Fee Due, applicant may request that the previously submitted issue fee to applied toward payment of the issue fee in the amount identified on the new Notice of Allowance and Issue Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a deposit account.

The application is being forwarded to the examiner for action.

M. Carl Ball for

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

Smith, Gambrell & Russell, LLP
Suite 3100, Promenade II
1230 Peachtree Street, NE
Atlanta, GA 30309-3592

cc:Allowed Files, Pk3-915

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
UNITED STATES PATENT AND TRADEMARK OFFIC
WASHINGTON, D.C. 20231
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JJGJr.11-02

Paper 6

THE WHITAKER CORPORATION
SUITE 450
4550 NEW LINDEN HILL ROAD
WILMINGTON DE 19808

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NOV 0 6 2002

OFFICE OF PETITIONS

In re Application of :
Strausbaugh, et al : DECISION ON PETITION
Application No. 10/060,946 :
Filed: 30 January, 2002 :
Attorney Docket No. 17,634L USA :

This is a decision on the petition under ¶(a) of 37 C.F.R. §1.47,[1] filed on 30 June and supplemented on 5 November, 2002.

NOTE: The petition contains a different mailing address than that 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.

Petitioner has shown that, while all other inventors have signed the oath/declaration, the non-signing inventor **Eric Boyer (Mr. Boyer)** has refused or otherwise failed to join in the filing of the above-identified application after having been presented with the application papers, or could not be located to so present them.

Specifically, the declaration/statement/submission of facts of/by Mark D. Simpson (Reg. No. 32,942) and Mary D. Bertolino establish that the non-signing inventor was mailed 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.

© 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]

papers, including the specification, claims and drawings, but failed to respond positively to the request that he sign the declaration or in fact sign said declaration.

Lastly, Petitioner has submitted a declaration in compliance with 37 C.F.R. §1.63 and §1.64 and petitioner has shown that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 C.F.R. §1.47(a).

This application hereby is **ACCORDED status under 37 C.F.R. §1.47(a)**.

As provided under 37 C.F.R. §1.47(a), the 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 also will be published in the Official Gazette.

This file is being forwarded to OIPE for processing consistent with this decision, and then will be forwarded for examination in due course.

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

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

cc:
Mark D. Simpson
Synnestvedt & Lechner LLP
2600 Aramark Tower
1101 Market Street
Philadelphia, PA 19107

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENT
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Paper 7

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OFFICE OF PETITIONS

ERIC BOYER
717 CLASTER BLVD.
DAUPHIN, PA 17018

In re Application of :
Strausbaugh, et al : CORRESPONDENCE
Application No. 10/060,946 :
Filed: 30 January, 2002 :
Attorney Docket No. 17,634L USA :

Dear Eric Boyer:

You are named as inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. §116 (United States Code), and 37 C.F.R. §1.47,[1] ¶a, Rules of Practice in Patent Cases.

Should a patent be granted on the application you will be designated therein as inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 C.F.R. §1.19) or make your position of record in the application.

Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 C.F.R. §1.63.

---

[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]

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 toll-free: (800) 972-6382 (outside the Washington D.C. area).

Telephone inquiries concerning this correspondence may 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

Counsel of Record:
The Whitaker Corporation
Suite 450
4550 New Linden Hill Road
Wilmington DE 19808

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 9

HOWREY SIMON ARNOLD & WHITE LLP - OC
301 RAVENSWOOD AVENUE
BOX 34
MENLO PARK CA 94025

COPY MAILED
MAY 10 2004
OFFICE OF PETITIONS

In re Application of
Pinto, et al.
Application No. 10/060,965
Filed: October 19, 2001
Attorney Docket No.
04813.0013.NPUS00

ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), filed November 24, 2003.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to timely file a reply to the Notice to File Corrected Application Papers, mailed May 22, 2002, which set an extendable period for reply of two months for applicant to file substitute drawings. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, no reply to the Notice to File Corrected Application Papers having been received, the above-identified application became abandoned on July 23, 2002. The mailing of this decision precedes the mailing of a courtesy Notice of Abandonment.

With the instant petition, petitioner paid the petition fee, submitted the required reply in the form of substitute drawings, and made the proper statement of unintentional delay.

The application file is being forwarded to the Office of Initial Patent Examination for pre-examination processing.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

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ALEXANDRIA, VA 22313-1450
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N. Scott Pierce
HAMILTON, BROOK, SMITH & REYNOLDS, P.C.
530 Virginia Road
Post Office Box 9133
Concord, Massachusetts 01742-9133

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JUL 07 2005

OFFICE OF PETITIONS

In re Application of :
Mark W. Simon :
Application No.: 10/060,982 :
Filing Date: 30 January 2002 :
Attorney Docket No.: 2523.2003-000 :

DECISION ON
PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed 30 August 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 06 May 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on 07 August 2004.

The present petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the Issue Fee under 37 CFR 1.18(a), (2) the petition fee, and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance of 06 May 2004 is accepted as having been unintentionally delayed.

This matter is being referred to the Office of Publications.

Telephone inquiries concerning this decision should be directed to Nguyen Ngoc-Ho at (571) 272-3290.

Wan Laymon
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy
NNH/WL:hn

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,983	01/30/2002	Marc Dubois	8571:92	6592

39191 7590 11/21/2007
ROBERT A. McLAUCHLAN
P.O. BOX 26780
AUSTIN, TX 78755

EXAMINER	
LYONS, MICHAEL A	
ART UNIT	**PAPER NUMBER**
2877	

MAIL DATE	DELIVERY MODE
11/21/2007	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.

DECISION ON PETITION ROUTING SLIP

Application No.: 10060983

Art Unit: 2877

For Director's Secretary:

☑ **Granted** ☐ **Denied** ☐ **Dismissed**

☑ Decision to be reviewed and signed by Director

☑ Mail Decision & enter decision in Petition Database

☑ Forward a copy of the mailed decision to IFW for scanning

☑ Enter Paper Nos [ ] and the decision in PALM

☑ Other

Forward paper file to scanning

For TECH Support Staff:

☐ Process and enter Paper Nos. [ ]

☐ Charge [ ] fee to D.A. No

[ ]

☐ Other

[ ]

☐ Forward file to

[ ]

SPRE No. 1:	SPRE No. 2:	SPRE No. 3:	SPRE No. 4:
Hien Phan SPRE Jeff-8D55 (571) 272-1606	Jose Dees SPRE Jeff-8D59 (571)272-1569	Clayton E. LaBalle SPRE Jeff-8D51 (571) 272-1594	Ed Westin SPRE Jeff-8D65 (571)272-1638

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Alexandria, VA 22313-1450
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Robert A. McLauchlan
Post Office Box 26780
Austin, TX 78755

In re Application of:
Marc Dubois et al.
Serial No.: 10/060,983
Filed: January 30, 2002
Attorney Docket No.: 8571:92

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This decision is in response to the letter filed via facsimile transmission on December 18, 2003. The letter is being treated as a petition to withdraw the holding of abandonment under 37 C.F.R. § 1.181(a). There is no fee for this petition.

The petition is **GRANTED**.

A non-final Office action was mailed on May 8, 2003. A Notice of Abandonment was mailed on December 15, 2003. The Notice of Abandonment noted that the application was abandoned in view of applicant's failure to timely file a proper reply to the Office action mailed May 8, 2003.

Petitioner asserts that a response to the Office action was filed via facsimile transmission on August 7, 2003. A review of the application file indicates the original response is not in the application file and cannot be located. The copy of the response filed with the petition includes a Certificate of Transmission dated August 7, 2003.

A petition to withdraw the holding of abandonment based on a Certificate of Transmission by facsimile transmission must include the following:

(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 C.F.R. § 1.8(b)(3) attesting to the personal knowledge of the transmission of the original response on the date indicated on the Certificate of Transmission (see 37 C.F.R. § 1.8(b) and MPEP 512).

The statement in the petition indicating that Petitioner (a registered attorney of record) "filed the attached response via fax on August 7th using the number indicated on the May 8, 2003 office action" is being accepted as the required statement under 37 § 1.8(b)(3).

For the above reason, the petition is granted. The Notice of Abandonment mailed on December 15, 2003 is hereby **VACATED** and the holding of abandonment is withdrawn.

The amendment filed with the petition on December 18, 2003 will be processed by the Technology Center 2800 support staff and the examiner will be prepare an Office action in response to the amendment.

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

Janice A. Falcone, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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BRACEWELL & GIULIANI, LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

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JUN 23 2008

In re Application of :
Marc Dubois, et. al. :
Application No. 10/060,983 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. TA-00542 :

This is a decision on the petition under 37 CFR 1.137(b), filed on November 13, 2007, to revive the above-identified application.

The petition is **DISMISSED AS MOOT**.

The application was held abandoned for failure to respond to the non-final Office action mailed May 8, 2003. A Notice of Abandonment was mailed on December 15, 2003.

In response, a letter asserting timely submission of an amendment was filed on December 18, 2003. On November 20, 2007, a petition decision was granted to withdraw the holding of abandonment. Therefore, the petition under 37 CFR 1.137(b) is unnecessary and the petition fee of 1,540 will be refunded to petitioner's deposit account.

The Power of Attorney and Change of Correspondence Address filed on November 1, 2007 has been accepted and made of record.

This application is being referred to Technology Center Art Unit 2877, for further processing.

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

Andrea Smith
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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BRACEWELL & GIULIANI LLP
P.O. BOX 61389
HOUSTON, TX 77208-1389

Mail Date: 05/25/2010

Applicant	: Marc Dubois	: DECISION ON REQUEST FOR
Patent Number	: 7667851	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/060,983	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/30/2002	: 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
WASHINGTON, D.C. 20231
www.uspto.gov
DIW 07-02

Paper No. 7

HAROLD LEVINE
SUITE 755
101 E. PARK BLVD.
PLANO TX 75074

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OFFICE OF PETITIONS

In re Application of	:	
Arthur J. Shrader	:	
Application No. 10/060,989	:	DECISION DISMISSING
Filed: 1 February, 2002	:	PETITION
Attorney Docket No. S300-9901-013B	:	

This is a decision on the petition filed on 30 April, 2002, requesting that the "Notice to File Missing Parts of Nonprovisional Application" mailed 11 March, 2002, in the above-identified application be vacated to the extent that it states that Pages 7 & 16 of the specification appeared to have been omitted from the application.

The application was filed on 1 February, 2002. However, on 11 March, 2002, the Office mailed a "Notice to File Missing Parts of Application" stating that the application had been accorded a filing date of 1 February, 2002, and advising applicants that, *inter alia*, Pages 7 & 16 of the specification (description and claims) appeared to have been omitted from the application.

In response, applicant filed the present petition, a $130.00 petition fee, and copy of Pages 7 & 16 of the specification. Applicants assert that Pages 7 & 16 were not omitted from the application. In support, petitioner has included a declaration by counsel's secretary, Terri Daniels, stating that she "personally inspected the application to ensure that all pages thereof were included, including pages 7 and 16". states that the missing pages were "not omitted because applicant's file copy includes all the pages, and copies are routinely checked before filing." Petitioners also note that the above-identified application is a divisional application.

The arguments have been considered, but are not persuasive. The U.S. Patent and Trademark Office (Office) file is the official record of the papers originally filed in this application. A review of the papers originally filed reveals that 17 pages of specification (description and claims) were filed on 1 February, 2002. No pages 7 & 16 were filed on 1 February, 2002, since no such page is present among the application papers received on that date. An applicant alleging that a paper was filed in the Office and later misplaced has the burden of proving the allegation by a preponderance of the evidence. The fact that petitioner believes the page was among the papers he included in the application is not more persuasive than the actual papers shown to have been received by the official file.

At the outset, it is noted that the USPTO has a long-established and well publicized practice for *prima facie* establishing the date of receipt of correspondence that has either been mailed or otherwise delivered to the PTO, and is asserted to have been subsequently misplaced: the itemized postcard receipt practice of section 503 of the Manual of Patent Examining Procedure (MPEP).[1] This practice requires that any paper(s) for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper(s). A postcard receipt which itemizes and properly identifies the paper(s) which is being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard (e.g. the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The

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[1]The public was afforded a "reminder" of the then extent post card receipt practice at 857 *Off. Gaz. Pat. Off.* 667 (*O.G.*) (Nov. 21, 1968). This specific notice is usually repeated annually, in a January "Consolidated Listing" section of the *O.G.* that contains important *O.G.* notices of continuing relevance.

postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.[2]

Since pages 7 & 16 were not a part of the papers filed on 1 February, 2002, the application cannot be accorded the 1 February, 2002, filing date with these pages as a part of the original disclosure of this application.

It is noted that the "Continuing Application Transmittal" filed with the original application papers states that the present application is a divisional application of Application No. 09/434,792. Further, the transmittal letter states that "The entire disclosure of the prior application...is considered a part of the disclosure of the accompanying continuation or divisional application and is hereby incorporated by reference."

Section 201.06(c) of the Manual of Patent Examining Procedure states that:

> . . . an applicant may incorporate by reference the prior application by including, in the application-as-filed, a statement that such specifically enumerated prior application or applications are "hereby incorporated herein by reference." The statement may appear in the specification or in the application transmittal letter. The inclusion of this incorporation by reference of the prior application(s) will permit an applicant to amend the continuing application to include any subject matter in such prior application(s), without the need for a petition. (emphasis supplied)

Obviously, in view of the incorporation by reference of the prior application, Pages 7 & 16 of the specification are not new matter if they was a part of the disclosure of the prior application.

Accordingly, the petition is dismissed. However, as petitioners have enclosed a cover sheet entitled "amendment" itemizing the filing of the missing pages, as well as the present petition, the filing will be treated as a preliminary amendment requesting entry of Pages 7 & 16.

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[2]MPEP 503.

The application is being returned to the Office of Initial Patent Examination for further processing with a filing date of 1 February, 2002, using the application papers filed on that date.

Thereafter, the application will be forwarded to Technology Center 3700 for consideration by the examiner of the petition filed 30 April, 2002, as an amendment requesting the entry of Pages 7 & 16 of the specification as new pages of specification.

Accordingly, the "Notice" mailed on 11 March, 2002, was correct in stating that Pages 7 & 16 of the specification had been omitted. The $130.00 petition fee will not be refunded because the present petition was not necessitated by any error on the part of the United States Patent and Trademark Office.

The application is being forwarded to the Office of Initial Patent Examination for further processing with a filing date of 1 February, 2002, using only the application papers present on that date.

Any inquiries related to this decision should be directed to the undersigned at (703) 308-6918.

DIWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

#5

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

PATENT & TRADEMARK OFFICE
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LICENSING & REVIEW

Stephen G. Ryan
Amersham Biosciences
800 Centennial Avenue
Piscataway, NJ 08855

In re Application of:
Yizhong Gu ET AL:
For Serial No. 10/060,990

DECISION ON
REQUEST FOR
RECONSIDERATION

Filed: January 30, 2002
For: **HUMAN RALGDS-LIKE PROTEIN 3**

This is a decision on the REQUEST FOR RECONSIDERATION filed June 7, 2002 responding to the communication (FORM PTOL-456) mailed May 21, 2002.

The request has been **DENIED** to the extent indicated below.

42 U.S.C. 2182 states in part **"... useful in the production or utilization of special nuclear material or atomic energy".** A review of the application file history reveals among other things the use of a radioactive isotope "^{33}P " as disclosed in at least page 28 of the instant specification. Therefore under the directions from the Department of Energy (DOE) this application has been made available to them under 42 U.S.C. 2182 since the following subject matter relates to at least one of the following:

G. Materials, apparatus and methods concerning isotope and/or radioactive source technology including those utilizing (including responsive to) radioactive sources in:

a. Life Sciences such as medicine (diagnostic and therapeutic), ecology, disease and pest control, animal husbandry, etc.

b. Industrial processes such as food processing, sterilization, polymer production, etc.

c. Investigations of the environment or the earth

H. Instruments employing a radioactive source and/or radioactivity detector in the operation thereof.

Applicant is reminded that a response is due within forty-five days of the mailing date of the communication (FORM PTOL-456). The communication having been mailed May 21, 2002.

Joanne P. Hodge
Supervisory Legal Instruments Examiner
Licensing and Review
Patent Technology Center 3600

10/8/2008 Dialog Search 10060996

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histories you need. See HELP FILEHIST for more information about
how to use the link and a list of files that contain the link.

NEW FILE
***File 651, TRADEMARKSCAN(R) - China. See HELP NEWS 651 for details.
RESUMED UPDATING
***File 523, D&B European Financial Records
***
RELOADS COMPLETED
***File 227, TRADEMARKSCAN(R) - Community Trademarks

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FILES RENAMED
***File 321, PLASPEC now known as Plastic Properties Database
***
FILES REMOVED
***File 601,Early Edition Canada
***
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YTEXT is set ON as an alias for 15,16,148,160,275,621
KTEXT is set ON as an alias for 9,20,476,610,613,624,634,636,810,813
MTEXT is set ON as an alias for 2,35,65,77,99,233,256,278,474,475,583
STEXT is set ON as an alias for 623,473,47,635,570,PAPERSMJ,PAPERSEU
HTEXT is set ON as an alias for 625,268,626,267,139
FTEXT1 is set ON as an alias for 15,9,275,621,636,16,160,148
FTEXT2 is set ON as an alias for 610,810,476,624,634,20,47
BIB1 is set ON as an alias for 35,139,583,65,2,144,233,474,475,99
SUB26 is set ON as an alias for PAPERSEU, PAPERSMJ,570,635
SUB35 is set ON as an alias for 625,268,626,267,608
* * *
SYSTEM:HOME
Cost is in DialUnits
Menu System II: D2 version 1.8.0 term=ASCII
*** DIALOG HOMEBASE(SM) Main Menu ***

Information:
1. Announcements (new files, reloads, etc.)
2. Database, Rates, & Command Descriptions
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    $0.00  Estimated cost this search
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  File  16:Gale Group PROMT(R) 1990-2008/Sep 29
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*File  16: Because of updating irregularities, the banner and the
update (UD=) may vary.
  File 148:Gale Group Trade & Industry DB 1976-2008/Oct 06
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*File 148: The CURRENT feature is not working in File 148.
See HELP NEWS148.
  File 160:Gale Group PROMT(R) 1972-1989
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  File 275:Gale Group Computer DB(TM) 1983-2008/Sep 25
        (c) 2008 Gale/Cengage
  File 621:Gale Group New Prod.Annou.(R) 1985-2008/Sep 16
        (c) 2008 Gale/Cengage
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File 9:Business & Industry(R) Jul/1994-2008/Sep 30
(c) 2008 Gale/Cengage
File 20:Dialog Global Reporter 1997-2008/Oct 08
(c) 2008 Dialog
File 610:Business Wire 1999-2008/Oct 08
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File 613:PR Newswire 1999-2008/Oct 06
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*File 624: Journal updates now current
File 634:San Jose Mercury Jun 1985-2008/Oct 07
(c) 2008 San Jose Mercury News
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File 810:Business Wire 1986-1999/Feb 28
(c) 1999 Business Wire
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(c) 1999 PR Newswire Association Inc
File 2:INSPEC 1898-2008/Sep W1
(c) 2008 Institution of Electrical Engineers
File 35:Dissertation Abs Online 1861-2008/Sep
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*File 35: UD names adjusted; All data present.
File 65:Inside Conferences 1993-2008/Oct 06
(c) 2008 BLDSC all rts. reserv.
File 99:Wilson Appl. Sci & Tech Abs 1983-2008/Aug
(c) 2008 The HW Wilson Co.
File 256:TecInfoSource 82-2008/Sep
(c) 2008 Info.Sources Inc
File 278:Ei Compendex(R) 1970-2008/Sep W3
(c) 2008 Elsevier Eng. Info. Inc.
*File 278: The file has been reloaded. See HELP NEWS 8 for
details.
File 474:New York Times Abs 1969-2008/Oct 08
(c) 2008 The New York Times
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File 583:Gale Group Globalbase(TM) 1986-2002/Dec 13
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File 47:Gale Group Magazine DB(TM) 1959-2008/Sep 23
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File 635:Business Dateline(R) 1985-2008/Oct 07
(c) 2008 ProQuest Info&Learning
File 570:Gale Group MARS(R) 1984-2008/Sep 29
(c) 2008 Gale/Cengage
File 387:The Denver Post 1994-2008/Oct 07
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(c) 2008 The New York Times
File 492:Arizona Repub/Phoenix Gaz 19862002/Jan 06
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*File 492: File 492 is closed (no longer updating). Use
Newsroom, Files 989 and 990, for current records.
File 494:St LouisPost-Dispatch 1988-2008/Oct 05
(c) 2008 St Louis Post-Dispatch
File 631:Boston Globe 1980-2008/Oct 03
(c) 2008 Boston Globe
File 633:Phil.Inquirer 1983-2008/Oct 07
(c) 2008 Philadelphia Newspapers Inc
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File 640:San Francisco Chronicle 1988-2008/Oct 05
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File 702:Miami Herald 1983-2008/Oct 08
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(c) 2008 USA Today
File 704:(Portland)The Oregonian 1989-2008/Oct 07
(c) 2008 The Oregonian
File 713:Atlanta J/Const. 1989-2008/Oct 05
(c) 2008 Atlanta Newspapers
File 714:(Baltimore) The Sun 1990-2008/Oct 05
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File 715:Christian Sci.Mon. 1989-2008/Oct 08
(c) 2008 Christian Science Monitor
File 725:(Cleveland)Plain Dealer Aug 1991-2008/Oct 06
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File 735:St. Petersburg Times 1989- 2008/Oct 05
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File 477:Irish Times 1999-2008/Oct 08
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File 710:Times/Sun.Times(London) Jun 1988-2008/Oct 07

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File 711:Independent(London) Sep 1988-2006/Dec 12
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daily coverage from many European sources.
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Use Newsroom Files 989 and 990 for current records.
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Use Newsroom Files 989 and 990 for current records.
File 267:Finance & Banking Newsletters 2008/Sep 29
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File 139:EconLit 1969-2008/Sep
(c) 2008 American Economic Association
File 144:Pascal 1973-2008/Sep W4
(c) 2008 INIST/CNRS
File 608:MCT Information Svc. 1992-2008/Sep 30 (c)2008 MCT Information Svc.

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       1851187  VIRTUAL
       6068338  STORE
       1133791  MALL
       3434665  OPERATORS
     S4       0  S3 (S) (VIRTUAL (10N) ((STORE OR MALL) (10N) OPERATORS))
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OFFICE OF PETITIONS

In re Application of :
Lloyd Simonson :
Application No. 10/061,036 : DECISION ON PETITION
Filed: January 20, 2002 : TO WITHDRAW
Attorney Docket No. 06005.00002 : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed August 18, 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 37 CFR 10.40 states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" Additionally, 37 CFR 10.40 states, "i[f] paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matters pending before the Office unless such request or such withdrawal is because: [. . .]" Reasons a practitioner can permissively withdraw follow the later quotation.

Since the request for withdrawal as attorney or agent submitted on August 18, 2005 provides no reasons for withdrawal, 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 for Withdrawal 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 Irvin Dingle at 571-272-3210.

Denise Pothier
Petitions Examiner
Office of Petitions

cc: Joseph Hemby, Jr.
Naval Medical Research Center
503 Robert Grant Avenue
Silver Spriing, MD 20910-7500

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OFFICE OF PETITIONS

In re Patent No. 6,841,159	:	
Issue Date: January 11, 2005	:	
Application No. 10/061,036	:	NOTICE
Filed: January 30, 2002	:	
Attorney Docket No. 06005.00001	:	

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

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

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

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

Inquiries related to this communication should be directed to Diane Goodwyn at (571) 272-6735.

Thurman K. Page
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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April 4, 2006

Chinh H. Pham
GREENBERG TRAURIG, LLP
One International Place
Boston, MA 02110

Patent No.: 7006976 B2
Application No.: 10/061060
Inventor(s): **Terry L. Glatt**
Issued: February 28, 2006
Title: **APPARATUS AND METHOD FOR INSERTING DATA EFFECTS INTO A DIGITAL DATA STREAM**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and

C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

By mail:	Mail Stop PETITIONS Commissioner for Patents Post Office Box 1450 Alexandria, VA 22313-1450
By hand:	Customer Service Window Mail Stop Petitions Randolph Building 401 Dulany Street Alexandria, VA 22314
By fax:	(703) 872-9306 ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Virginia Tolbert
For Cecelia Newman
Decisions & Certificate of Correction Branch
(703) 305-8309 or (703) **308-9390 ext 113**

vt

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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PATENT ADMINISTRATOR
GREENBERG TRAURIG LLP
ONE INTERNATIONAL PLACE
BOSTON, MA 02110

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OFFICE OF PETITIONS

In re Patent No. 7,006,976 :
Issue Date: February 28, 2006 :
Application No. 10/061,060 : ON PETITION
Filed: January 29, 2002 :
Attorney Docket No. 65551-011410 :

This is a decision on the petition, filed May 1, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee data 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) 272-3218. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

Frances Hicks
Petitions Examiner
Office of Petitions

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 04-18-09

TO SPE OF : ART UNIT 2622

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/061061 Patent No.: 7079181

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

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

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

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 2622 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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CRAIG W. RODDY
HALLIBURTON ENERGY SERVICES
P O BOX 1431
DUNCAN, OK 73536-0440

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AUG 0 6 2004

OFFICE OF PETITIONS

In re Application of :
James F. Heathman et al :
Application No. 10/061,083 :DECISION ON PETITION
Filed: January 31, 2002 :UNDER 37 CFR 1.313(c)(3)
Attorney Docket No. HES 2001-1P-005272 :

This is a decision on the petition, filed June 29, 2004, under 37 CFR 1.313(c)(3) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **DISMISSED as moot.**

Unfortunately, the instant petition was not received within sufficient time to avert the issuance of the above-identified application into a patent. The Office sincerely apologizes for any inconvenience caused petitioner in this matter.

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.**

In view of the above, the petition fee of $130 will be refunded in due course.

Telephone inquiries should be directed to the undersigned at (703) 305-8680.

The patented file is being forwarded to Files Repository.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No. 30

SANTANGELO LAW OFFICES, P.C.
125 SOUTH HOWES, THIRD FLOOR
FORT COLLINS, CO 80521

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AUG 15 2005

OFFICE OF PETITIONS

In re Application of :
Ronald Keith Spencer :
Application No. 10/061,097 : ON PETITION
Filed: February 1, 2002 :
Attorney Docket No. SpencerNonProv :

This is a decision on the petition under 37 CFR 1.137(b), filed May 5, 2005, 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 an Amendment and a Request for Continued Examination (RCE); (2) the petition fee of $750; and (3) the required statement of unintentional delay. Accordingly, the reply to the petition of May 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 file is being forwarded to Technology Center 2800, Art Unit 2831 for processing the Request for Continued Examination (RCE) under 37 CFR 1.114 filed with the instant petition.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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F. CHAU & ASSOCIATES, LLC
130 WOODBURY ROAD
WOODBURY, NY 11797

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JUL 31 2007

OFFICE OF PETITIONS

In re Application of Hyoung-ho Kim et al. :
Application No. 10/061,099 : Decision on Petition
Filing Date: February 1, 2002 :
Attorney Docket No. 8021-80 (SS15602US) :

This is a decision on the petition under 37 CFR 1.181, filed July 15, 2004, to withdraw the holding of abandonment.

The petition is **granted.**

This application was held abandoned for failure to timely respond to the Office action of September 10, 2003, which set a shortened statutory period for reply of one (1) month or thirty (30) days (whichever is later). A reply was due on or before October 10, 2003. A reply was not received. A Notice of Abandonment was mailed on September 10, 2003.

Petitioner has established non-receipt of the September 10, 2003 Office action. Therefore, The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

A new Office action will be mailed and the period for reply will be re-started.

Technology Center Art Unit 2813 will be informed of the instant decision. Thereafter, the Technology Center's technical support staff will mail a new copy of the September 10, 2003 Office action. The time period for responding to the new Office action will be set to run from the mailing date of the new Office action.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATEN
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WASHINGTON, D.C. 2023
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MAIL

APR 0 1 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Paper No. 6

Marc A. Sokol
SQUIRE, SANDER & DEMPSEY, L.L.P.
600 Hansen Way
Palo Alto, CA 94304-1043

In re Application of:
Anthony G. Martin
Application No. 10/061,107
Filed: January 25, 2002
For: PRESENTATION OF INFORMATION TO END-USERS

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed February 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 filed February 24, 2003 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

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

cc: Partick D. Benedicto
OKAMOTO & BENEDICTO LLP
1737 North First Street, Suite 270
San Jose, CA 95112

UNITED STATES PATENT AND TRADEMARK OFFICE

#9
5-28-03

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

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MAY 28 2003

TECHNOLOGY CENTER 2100

Paper No. 8

Okamoto & Benedicto LLP
P.O. Box 641330
San Jose, CA 95164

In re Application of Anthony G. Martin
Application No. 10/061,107
Filed: January 25, 2002
Attorney Docket No. 10005.000510
Title: PRESENTATION OF INFORMATION TO END USERS

DECISION ON PETITION TO MAKE SPECIAL UNDER M.P.E.P. §708.02(II)

This is a decision on the petition, filed March 25, 2003 under 37 C.F.R. §1.102(d) and M.P.E.P. §708.02(II): Infringement, to make the above-identified application special.

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

Section (II) Subject to a requirement for a further showing as may be necessitated by the facts of a particular case, an application may be made special because of actual infringement (but not for prospective infringement) upon payment of the fee under 37 CFR 1.17(h) and the filing of a petition accompanied by a statement by the applicant, assignee, or an attorney/agent registered to practice before the Office alleging:

(A) That there is an infringing device or product actually on the market or method in use;
(B) That a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
(C) That he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art.

The petition meets the criteria of Section (II) by stating (A) "there is an infringing product currently on the market"; (B) a rigid comparison of the infringing product with the claims of the application has been made, and that in my opinion some of the claims of the application are unquestionably infringed"; and (C) "A professional searcher was retained to perform a careful and thorough search of the prior art".

The Petition is **GRANTED**.

for Josie A. Ballato
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software and Information Security
(703) 308-0269

RDD

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 19

OKAMOTO & BENEDICTO, LLP
P.O. BOX 641330
SAN JOSE CA 95164

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JUL 0 2 2004

OFFICE OF PETITIONS

In re Application of :
Martin :
Application No. 10/061,107 : DECISION ON PETITION
Filed: January 25,2002 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 10005.000510 :

This is a decision on the petition under 37 CFR 1.78(a)(6), filed February 10, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior-filed provisional application.

The petition is **DISMISSED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;

(2) the surcharge set forth in § 1.17(t); and

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed on January 25, 2002, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/347,921, which was filed on October 18 ,2001, and for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

However, the amendment is not acceptable as drafted since it improperly incorporates by

reference the prior-filed application. Petitioner's attention is directed to Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980), where the court drew a distinction between a permissible 35 U.S.C. § 120 statement and the impermissible introduction of new matter by way of incorporation by reference in a 35 U.S.C. § 120 statement. The court specifically stated:

> Section 120 merely provides a mechanism whereby an application becomes entitled to benefit of the filing date of an earlier application disclosing the same subject matter. Common subject matter must be disclosed, in both applications, either specifically or by an express incorporation-by-reference of prior disclosed subject matter. 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.

In order for the incorporation by reference statement to be effective as a proper safeguard against the omission of a portion of a prior application, the incorporation by reference statement must be included in the specification-as-filed, or in an amendment specifically referred to in an oath or declaration executing the application. *See* In re deSeversky, *supra*. *Note also* MPEP 201.06(c).

Accordingly, before the petition under 37 CFR 1.78(a)(6) can be granted, a substitute amendment[1] deleting the incorporation by reference statement, along with a renewed petition under 37 CFR 1.78(a)(6), is required. Such should be on a page separate from the renewed petition itself. See 37 CFR 1.4(b),(c).

As authorized, the $1330 fee required by 37 CFR 1.78(a)(6)(ii) has been charged .

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

---

[1] *Note* 37 CFR 1.121

By hand: Customer Window located at:
2011 South Clark Place
Crystal Plaza Two Lobby
Room 1B03
Arlington, VA 22202

Central Fax: (703) 872-9306
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (703) 305-1820.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Paper No. 21

OKAMOTO & BENEDICTO, LLP
P.O. BOX 641330
SAN JOSE CA 95164

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APR 29 2005

OFFICE OF PETITIONS

In re Application of :
Martin :
Application No. 10/061,107 : DECISION ON PETITION
Filed: January 25, 2002 : UNDER 37 CFR 1.78(a)(6)
Attorney Docket No. 10005.000510 :

This is a decision on the renewed petition under 37 CFR 1.78(a)(6), filed July 22, 2004, to accept an unintentionally delayed claim under 35 U.S.C. § 119(e) for the benefit of a prior-filed provisional application.

The petition is **granted**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed on January 25, 2002, within twelve months of the filing date of the prior-filed provisional application, Application No. 60/347,921, which was filed on October 18, 2001, for which priority is claimed. A reference to the prior-filed provisional application has been included in an amendment to the first sentence of the specification following the title.

The instant nonprovisional application was filed after November 29, 2000, and the claim for priority herein is submitted after expiration of the period specified in 37 CFR 1.78(a)(5)(ii).

Also, the reference to the prior-filed provisional application was submitted during the pendency of the nonprovisional application for which the benefit is sought. *See* 35 U.S.C. §119(e). Accordingly, having found that the instant petition satisfies the conditions of 37 CFR 1.78(a)(6) for acceptance of an unintentionally delayed claim for priority under 35 U.S.C. §119(e), the petition to accept an unintentionally delayed claim of benefit to prior-filed provisional Application No. 60/347,921 is granted. Applicant requests reconsideration of the previous decision and correctly notes that the application papers as filed did contain an incorporation statement for the referenced provisional application. Inspection of that provisional application reveals that the Express Mail Number, title, docket number and filing date were correctly given herein, such that the provisional application was adequately referenced within the meaning of In re Fouche, 439 F.2d 1237, 169 USPQ 429, (CCPA 1971).such that there is no question of new matter.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(6) should not be construed as meaning that the instant application is entitled to the benefit of the filing date of the prior-filed application. In order for the instant application to be entitled to the benefit of the prior-filed application, all other requirements under 35 U.S.C. §119(e) and 37 CFR 1.78(a)(4) and (a)(5) must be met. Similarly, the fact that the corrected Filing Receipt accompanying this decision on petition includes the prior-filed application should not be construed as meaning that applicant is entitled to the claim for benefit of priority to the prior-filed application noted thereon. Accordingly, the examiner will, in due course, consider this benefit claim and determine whether the instant application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional application, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3217.

The application is being forwarded to Technology Center AU 2141 for appropriate action on the amendment submitted April 19, 2004, including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to the prior-filed provisional application

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

ATTACHMENT: Corrected Filing Receipt

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 2/2/9

Paper No.: _____

TO SPE OF : ART UNIT 1637

SUBJECT : Request for Certificate of Correction for Appl. No.: 10061128 Patent No.: 6911424

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

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

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

Valerie Jackson
Certificates of Correction Branch
703-308-9390 ext. 114

Thank You For Your Assistance

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

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

Comments: _____

Gary L. Kunz
SPE

1637
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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OPTV/MEYERTONS
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C.
P.O. BOX 398
AUSTIN, TX 78767-0398

Mail Date: 04/20/2010

Applicant	: Rachad Alao	: DECISION ON REQUEST FOR
Patent Number	: 7669212	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/061,136	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/01/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **2214** 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
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Alexandria, VA 22313-1450
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OBLON SPIVAK MCCLELLAND
MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

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MAY 16 2005

OFFICE OF PETITIONS

In re Application of :
Michikazu Miyamoto et al :
Application No. 10/061,150 : ON PETITION
Filed: February 4, 2002 :
Attorney Docket No. 218973US3 :

This is a decision on the petition, filed September 30, 2004 which is being treated as a petition under 37 CFR 1.181, to withdraw the holding of abandonment of the above-identified application.

The petition is **GRANTED**.

The above-identified application was held abandoned for failure to reply in a timely manner to the Notice to File Missing Parts of Nonprovisional Application (Notice) mailed March 4, 2002. The Notice set a period for reply of two (2) months from the mail date of the Notice. Petitioner has provided the USPTO Post Card Receipt, which indicates the reply was filed on May 2, 2002, which is in a timely fashion.

Since the reply was timely submitted, no petition fee is required. Therefore, the holding of abandonment will be withdrawn.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210.

The matter is being referred to the Initial Patent Examination Unit.

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 22131-1450
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Paper No. 8

ANTONELLI TERRY STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON VA 22209

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MAY 22 2003

OFFICE OF PETITIONS

In re Application of	:	
Hunt et al.	:	DECISION DISMISSING
Application No. 10/061,161	:	PETITION UNDER
Filed: February 4, 2002	:	37 CFR 1.55(c)
Attorney Docket No. 367.41156X00	:	

This is a decision on the petition under 37 CFR 1.55(c), filed on February 19, 2003, requesting acceptance of a delayed claim under 35 USC 119 (a) - (d) for benefit of the filing date of the following foreign application: Great Britain Patent Application No. 0128472.8, filed on November 28, 2001.

A petition under 37 CFR 1.55(c) to accept an unintentionally delayed claim for priority requires:

(1) The nonprovisional application claiming the benefit of an earlier filing date must be filed on or after November 29, 2000;

(2) the claim submitted with the petition must identify the prior foreign application for which priority is claimed, as well as any foreign application for the same subject matter and having a filing date before that of the application for which priority is claimed, by the application number, country, and the filing date;

(3) the surcharge of, $1,300.00, as set forth in 37 CFR 1.17(t);

(4) a statement that the entire delay between the date the claim was due under 37 CFR 1.55(a)(1) 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.); and

(5) the nonprovisional application must be filed within 12 months of the filing date of the foreign application.

The present petition does not satisfy requirements (3) and (4) above.

The above-identified pending nonprovisional application was filed on February 4, 2002, which is after November 29, 2000, and within 12 months of the filing date of the foreign application to which benefit is now being claimed. On April 19, 2002, an executed declaration was received, which identified the foreign application for which priority was claimed by application number, country and filing date. However, the required petition fee of $1,300.00 was not received with the present petition. Moreover, petitioner has not provided an adequate statement of unintentional delay.

Accordingly, the petition is dismissed. Petitioner must submit a renewed petition within two (2) months of this decision. No extensions of time are available under 37 CFR 1.181(f).

In order to expedite consideration, petitioner may wish to submit the petition by facsimile transmission to the number indicated below and to the attention of Senior Petitions Attorney Christina Tartera Donnell.

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

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

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

By hand: Crystal Plaza Four, Suite CP4-3C23
2201 South Clark Place
Arlington, VA 22202

Telephone inquires 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

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ALEXANDRIA, VA 22131-1450
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Paper No. 11

ANTONELLI TERRY STOUT AND KRAUS
SUITE 1800
1300 NORTH SEVENTEENTH STREET
ARLINGTON VA 22209

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JUN 16 2003

OFFICE OF PETITIONS

In re Application of
Hunt et al.
Application No. 10/061,161
Filed: February 4, 2002
Attorney Docket No. 367.41156X00

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.55(c), filed on June 3, 2003, which is being treated as a request to withdraw the decision of May 22, 2003, and to acknowledge the claim for foreign priority.

Upon further review of the record, it appears that petitioner did indeed identify the foreign application for which priority was claimed on February 4, 2002, the date the application was filed with the Office pursuant to 35 USC 119. Accordingly, no petition under 37 CFR 1.55 is necessary. The Office sincerely apologizes for the error. The records currently reflect the claim of priority to Great Britain Patent Application No. 0128472.8.

The petition is **granted**. The decision of May 22, 2003, is **vacated**.

The application is being forwarded to Technology Center 2600 for examination in due course.

Telephone inquires 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
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AUG 0 8 2003

OFFICE OF PETITIONS

Paper No. 16

PILLSURY WINTHROP, LLP
P.O. BOX 10500
MCLEAN VA 22102

In re Application of
Koen Gadeyne et al
Application No. 10/061,185
Filed: February 4, 2002
Attorney Docket No. P 290421 9802 PCT US CONT

ON PETITION

This is a decision on the petition, filed August 8, 2003[1], under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

The above-identified application is withdrawn from issue for consideration of a submission under 37 CFR 1.114 (request for continued examination). See 37 CFR 1.313(c)(2).

Petitioner is advised that the issue fee paid on June 10, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[2]

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 2614 for processing of the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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[1]Evidence has been provided to show that the original petition, RCE and IDS were received in Technology Center 2600 on August 5, 2003.

[2] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

#5
6/6/03

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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JUN 0 6 2003

TECHNOLOGY CENTER 2100

Paper No. 5

Wilmer, Cutler & Pickering
2445 M Street, N.W.
Washington, DC 20037

In re Application of: Antoni N. Drudis, et al.)
Application No. 10/061,187) **DECISION ON REQUEST FOR**
Filed: February 4, 2002) **WITHDRAWAL AS ATTORNEY**
For: MESSAGE PROCESSING)

This is a decision on the Request To Withdraw from Representation filed April 10, 2003.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1. 136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. 37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent.

The request is **GRANTED**.

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

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

cc: HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
1650 TYSONS BOULEVARD
SUITE 300
MCLEAN, VA 22102

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SEP 3 0 2005

OFFICE OF PETITIONS

In re Application of:
SCHMITZ, Tony, et al.
Application No.: 10/061,188
Filing Date: February 04, 2002
Attorney's Docket No.: 479132000100
For: METHOD AND SYSTEM FOR USING NATURAL LANGUAGE IN COMPUTER RESOURCE UTILIZATION ANALYSIS VIA A COMMUNICATIONS NETWORK

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

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-entitled application, filed April 22, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the non-final Office action mailed October 19, 2004, which set a shortened statutory period for reply of three (3) months. On April 19, 2005, applicants filed a Notice Of Appeal, accompanied by the payment for a three month extension of time. However, because the October 19, 2004 Office action was non-final, the filing of the Notice Of Appeal does not constitute a proper response. Accordingly, this application became abandoned at midnight on April 19, 2005.

The present petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that it was accompanied by (1) the required reply, in the form of continuation application 11/111,725;[1] (2) the petition fee; and (3) the required statement of unintentional delay. Accordingly, the response to the Office action of October 19, 2004 (i.e., the filing of continuation application 11/111,725) is accepted as having been unintentionally delayed.

The present U.S. application is being revived for purposes of continuity only and since continuity has been established by this decision reviving the application, the application is again abandoned in favor of the continuing application number 11/111,725.

---

[1]The filing of a continuation application under 35 U.S.C. 111(a) is acceptable as the appropriate response under 37 CFR 1.137(b). See MPEP § 711.03(c).

Telephone inquiries concerning this decision should be directed to Richard M. Ross at (571) 272-3296 or, in his absence, the undersigned at (571) 272-3217.

Brian Hearn
Petitions Examiner
Office Of Petitions

PET DEC

OIPE USPTO OCT 31 2005 PATENT & TRADEMARK OFFICE

PTO/SB/83 (04-05)
Approved for use through 11/30/2005. OMB 0651-0035
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT AND CHANGE OF CORRESPONDENCE ADDRESS

Application Number	10/061,291
Filing Date	02/04/2002
First Named Inventor	Karl-Heinz Herrmann
Art Unit	1723
Examiner Name	Cecil, Terry K.
Attorney Docket Number	KH0001

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

Approved 1/19/06
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Please withdraw me as attorney or agent for the above identified patent application, and

- ☐ all the attorneys/agents of record.
- ☐ the attorneys/agents (with registration numbers) listed on the attached paper(s), or
- ☑ the attorneys/agents associated with Customer Number 33422

NOTE: This box can only be checked when the power of attorney of record in the application is to all the practitioners associated with a customer number.

The reasons for this request are: See Attachment.

CORRESPONDENCE ADDRESS

1. ☐ The correspondence address is NOT affected by this withdrawal.
2. ☑ Change the correspondence address and direct all future correspondence to:

☐ The address associated with Customer Number:

OR

☑ Firm or Individual Name	Karl-Heinz Herrmann				
Address	7113 Deer Thicket Drive				
City	Midlothian	State	Virginia	Zip	23112
Country	U.S.A.				
Telephone		Email			

Signature			
Name	Anthony Tacconi	Registration No.	48,660
Date	October 28, 2005	Telephone No.	804-497-2916

NOTE: Withdrawal is effective when approved rather than when received. Unless there are at least 30 days between approval of withdrawal and the expiration date of a time period for response or possible extension period, the request to withdraw is normally disapproved.

This collection of information is required by 37 CFR 1.36. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 11

McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington DC 20005-3096

COPY MAILED
JUN 25 2004
OFFICE OF PETITIONS

In re Application of :
Shoichiro Matsumoto, et al. :DECISION DISMISSING PETITION
Application No. 10/061,311 :UNDER 37 CFR 1.137(b)
Filed: February 4, 2002 :
Attorney Docket No. 57810-029 :

This is a decision on the petition, filed June 10, 2004, 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 Office (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 **dismissed** as inappropriate for the reasons stated below.

The record discloses that, on February 4, 2002, the date of filing of the instant application, a Request and Certification under 35 U.S.C. § 122(b)(2)(B)(i) was filed certifying that "the invention disclosed in the attached **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 at eighteen months after filing."

Petitioner now requests under 35 U.S.C. § 122(b)(2)(B)(ii) that the Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(ii) be rescinded and the application be revived because this application became abandoned for failure to notify the USPTO within 45 days of the filing of a corresponding international or foreign application. In this regard, petitioner states that an international or foreign application corresponding to the instant application was filed on February 9, 2001, which date is prior to the date of filing the instant application.

The instant nonprovisional application did not become abandoned as a result of the filing of a corresponding application filed in

another country, or under a multilateral international agreement, **subsequent** to the filing of the present application. In this regard, 35 U.S.C. § 122(b)(2)(B)(iii) states:

> 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 [emphasis supplied].

The facts of this case are that the subject application was filed on February 4, 2002, and the corresponding foreign application was filed on February 9, 2001. The statute does not provide for the situation where a certification under 35 U.S.C. § 122(b)(2)(B)(i) was made, despite the fact that an application was previously filed in another country or under the multilateral international agreement. The provisions of 35 U.S.C. § 122(b)(2)(B)(iii) only provide for revival in the situation where a certification was made under 35 U.S.C. § 122(b)(2)(B)(i) at the time of filing the application and an application was subsequently filed in a foreign country without notifying the Office within 45 days of the filing thereof.

In view of the above and since this application did not become abandoned pursuant to the provisions of 35 U.S.C. § 122(b)(2)(B)(iii), a petition to revive under the provisions of 37 CFR 1.137(b) is inappropriate and, therefore, must be dismissed.

As requested, the Request and Certification Under 35 U.S.C. § 122(b)(2)(B)(i) has been rescinded. A Notice Regarding Rescission of Nonpublication Request indicating a projected publication date of September 30, 2004 accompanies this decision.

The rules and statutory provisions governing the operations of the USPTO require payment of a fee on filing each petition. *See*

35 U.S.C. § 41(c)(7). Accordingly, the petition fee of $1,330 assessed to petitioner's deposit account on June 15, 2004 will not be refunded.

The application is being forwarded to Technology Center AU 2674 for further prosecution.

Any inquiries concerning this decision 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

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

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.
10/061,311	02/04/2002	Shoichiro Matsumoto	57810-029

CONFIRMATION NO. 2330

McDERMOTT, WILL & EMERY
600 13th Street, N.W.
Washington, DC 20005-3096

OC0000000013068226

OC0000000013068226

Date Mailed: 06/25/2004

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 09/30/2004.

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 (703) 305-9282. 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

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Alexandria, VA 22313-1450
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AUG 04 2005

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.
1800 DIAGONAL ROAD
SUITE 370
ALEXANDRIA VA 22314

In re Application of	:	
C. Kato et al	:	
Serial No.: 10/061,341	:	DECISION ON PETITION
Filed: February 4, 2002	:	
For: Mixed Irradiation Evaluation Support System	:	

This is in response to applicants' petition filed April 6, 2005, 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 Frederick Schmidt by letter addressed to the Director, Technology Center 3700, P.O. Box 1450 Alexandria, VA 22313-1450 or by telephone at (571) 272-2975 or by facsimile transmission at (571) 273-8300.

Frederick R. Schmidt, Director
Technology Center 3700

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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NIXON & VANDERHYE PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

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FEB 09 2007

OFFICE OF PETITIONS

In re Patent No. 7,069,239 :
Issue Date: June 27, 2006 :
Application No. 10/061,359 : DECISION ON PETITION
Filed: February 4, 2002 :
Attorney Docket No. 723-1152 :

This is a decision on the petition under 37 CFR 1.182, filed August 30, 2006, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue the duplicate Letters Patent.

A fee of $130 accompanied the petition, whereas, the correct fee for the filing of a petition under 37 CFR 1.182 is $400. Accordingly, as authorized, the balance due of $270 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3218. Inquiries regarding the issuance of a duplicate Letters Patent may be directed Krystal Paige in the Publishing Division at (703) 308-9250, Ext. 139.

A copy of this decision is being faxed to Publishing Division for issuance of the duplicate Letters Patent.

Frances Hicks
Petitions Examiner
Office of Petitions

cc: Krystal Paige, South Tower, 8th Floor (Fax No. (571) 273-9756)

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

OCT 25 2002

#3

William M. Selenke
28 DeWitt Street
Cincinnati, OH 45218

In re Application of	:	
William C. Johnson	:	DECISION ON PETITION
Serial No.: 10/061,378	:	
Filed: February 1, 2002	:	
For: Non-lethal Gas Apparatus to Thwart Hijackers	:	

This is in response to applicants' petition filed March 6, 2002 to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on applicant's health.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 3

John G. Rauch
Brinks Hofer Gilson & Lione
PO Box 10395
Chicago, IL 60610

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MAR - 7 2002

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Meisel et al. :
Application No. 10/061,388 :
Filed: February 1, 2002 :
Attorney Docket No. 9623/396 :

This is a decision on the petition under 37 C.F.R. § 1.183, filed February 19, 2002, to waive 37 CFR 1.52(e).

When a compact disc has been submitted as part of an application, one is required to list the files on the disc in the application and on the transmittal sheet. In the instant case, applicant seeks a waiver of the requirement and seeks to submit such a listing on compact disc rather than in the application and on the transmittal sheet.

The petition is **granted**.

Petitioner has demonstrated that a listing of the files would be over 1,000 pages long. Petitioner has submitted a "table" on the compact disc listing each file on the disc by file name, file size, and creation date.

Petitioner should note that petitioner, and not the Office, is responsible for identifying and correcting any difference between the file list on the compact disc and the files actually on the compact disc.

The file is 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.

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
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Paper No.

FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY, VA 20153

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APR 13 2006
OFFICE OF PETITIONS

In re Patent No. 6,941,647	:	DECISION ON REQUEST
Cho et al.	:	FOR RECONSIDERATION OF
Issue Date: September 13, 2005	:	PATENT TERM ADJUSTMENT
Application No. 10/061,391	:	and
Filed: February 4, 2002	:	NOTICE OF INTENT TO ISSUE
Atty Docket No. MRE 0054	:	CERTIFICATE OF CORRECTION
	:	

This is a decision on the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(D)," filed November 2, 2005. Patentees request that the patent term adjustment indicated on the patent be restored from three hundred eighty-three (383) days to four hundred ninety-five (495) days.

The request for reconsideration of the 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 four hundred ninety-five (495) days.

On September 13, 2005, the above-identified application matured into U.S. Patent No. 6,941,647. The instant request for reconsideration filed November 2, 2005 was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 383 days. Patentee disputes the reduction of 112 days, which is associated with an entry in PALM entitled "Workflow-Drawings finished"

indicating such papers were filed after the mailing of the notice of allowance.

A review of the PALM calculations for this application reveals that the initial determination of PTA of 495 days was reduced by 112 days for applicant's submission of drawings after the mailing of the notice of allowance. See 37 C.F.R. § 1.704(c)(10). However, a review of the application record supports a conclusion that no drawings (or any other relevant paper, aside from the instant petition) were filed in this application after the mailing of the notice of allowance. As stated in the Notice of Allowability, the drawings filed February 4, 2002 (with the original application disclosure) were accepted by the Examiner.

In view thereof, the patent term adjustment indicated in the patent should have been four hundred ninety-five (495) days.

Receipt of the $200.00 fee set forth in 37 C.F.R. § 1.18(e) is acknowledged. No additional fees are required.

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 **FOUR HUNDRED NINETY-FIVE (495)** 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 : 6,941,647 B2

DATED : **September 13, 2005**

INVENTOR(S) : Cho 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 (383) days

Delete the phrase "by 383" and insert – by 495 days--

UNITED STATES PATENT AND TRADEMARK OFFICE

JAN 13 2005

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

Paper No. 10

Naval Research Laboratory
Associate Counsel (Patents)
Code 1008.2
4555 Overlook Avenue, S.W.
Washington, DC 20375-5320

In re Application of	:	DECISION ON PETITION
Dean Scribner	:	TO WITHDRAW
Serial No. : 10/061,413	:	HOLDING OF
Filed : February 4, 2002	:	ABANDONMENT
For : Microelectronic Stimulator Array for Stimulating Nerve Tissue	:	

This is a decision on petitioner's request filed November 23, 2004, and supplemented December 18, 2004, to review the holding of abandonment mailed October 4, 2004, for failure to respond to the Office action mailed May 14, 2003. As this petition was filed pursuant to 37 CFR 1.181, no petition fee is required.

In support of the request, petitioner has submitted a copy of a response that includes a Terminal Disclaimer and a copy of a PTO stamped receipt dated August 29, 2003 as evidence of the filing of a response. As the three-month period for response expired August 14, 2003, a one-month extension of time was required to make the response timely. In view of the general authorization given on page two of the response, last paragraph, a one-month extension of time fee of $110.00 has been charged to Deposit Account No. 50-0281.

In view of the above, the Notice of Abandonment mailed October 4, 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 August 29, 2003 as well as having the extension of time fee charged.

Summary: Holding of Abandonment Withdrawn.

John E. Kittle, Director
Groups 3730 and 3760
Phone: (571) 272-2975

ak/12/21/04

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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300 S. WACKER DRIVE
32ND FLOOR
CHICAGO IL 60606

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NOV 0 3 2005

OFFICE OF PETITIONS

In re Application of :
Robert H. GIEBELER et al. :
Application No. 10/061,416 : ON PETITION
Filed: February 1, 2002 :
Attorney Docket No. 02-1058-A :

This is a decision on the petition under 37 CFR 1.137(b), filed October 11, 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 December 28, 2004, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on March 29, 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 of $750; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the non-final Office action of December 28, 2004 is accepted as having been unintentionally delayed.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant of 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Application No. 10/061,416

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 MPP 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 David A. Bucci at (571) 272-7099 or in his absence, the undersigned at (571) 272-3217.

The application file is being referred to Technology Center AU 1743 for appropriate action on the concurrently filed amendment.

Brian Hearn

Brian Hearn
Petitions Examiner
Office of Petitions

Cc: Dorsey & Whitney LLP
555 California Street, Suite 1000
San Francisco, CA 94104-1513

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 9

Plantronics, Inc.
345 Encinal Street
PO Box 635
Santa Cruz, CA 95060-0635

COPY MAILED

JUL 0 7 2003

OFFICE OF PETITIONS

In re Application of :
Robert J. Bernardi et al. :
Application No. 10/061,421 : DECISION GRANTING PETITION
Filed: February 1, 2002 : UNDER 37 CFR 1.137(b)
Attorney Docket No. M-12282 US :

This is a decision on the petition under 37 CFR 1.137(b), filed May 1, 2003, and supplemented on June 16, 2003, to revive the instant nonprovisional application.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in a foreign country on January 31, 2003. 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(b) to revive for failure to timely notify the Office of the filing of an application in a foreign country 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. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of September 25, 2003 accompanies this decision on petition.

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

This application is being forwarded to Technology Center Art Unit 2863 for examination in due course.

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

Frances Hicks
Lead Petitions Examiner

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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MAY 2 9 2003

Technology Center 2100

Paper No. 7

OPPENHEIMER WOLFF & DONNELLY LLP
1400 Page Mill Road
Palo Alto, CA 94304-1124

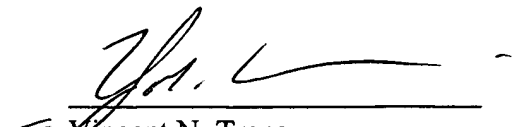
In re Application of: Thomas J. Kondo, et al.)
Application No. 10/061,435)
Filed: January 31, 2002) **DECISION ON REQUEST FOR**
For: SYSTEM RECOVERY FROM) **WITHDRAWAL AS ATTORNEY**
ERRORS FOR PROCESSOR AND)
ASSOCIATED COMPONENTS)

This is a decision on the Request To Withdraw from Representation filed May 16, 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: HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400
Attn: Bill Streeter

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 07/29/09

TO SPE OF : ART UNIT 2114

SUBJECT : Request for Certificate of Correction for Appl. No.: 10061435
Patent No.: 6948092

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

FOR IFW FILES:

Please review the requested changes/corrections as shown in the **COCIN** document(s) in the IFW application image. No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Please complete the response (see below) and forward the completed response to scanning using document code **COCX**.

FOR PAPER FILES:

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

Certificates of Correction Branch (CofC)

Randolph Square
Palm Location 7580

Should the changes be made **Valerie Jackson** **Certificates of Correction Branch**

703-756-1573

Thank You For Your Assistance

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

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

Comments: _____

SCOTT BADERMAN
SUPERVISORY PATENT EXAMINER
SPE

2114
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

JAMES W. MILLER
FOSHAY TOWER
SUITE 1005
821 MARQUETTE AVENUE
MINNEAPOLIS, MN 55402

COPY MAILED

JAN 2 5 2005

OFFICE OF PETITIONS

In re Application of :
Jay J. Kakuk :
Application No. 10/061,442 : ON PETITION
Filed: February 1, 2002 :
Attorney Docket No. 26.2.C63/USA :

This is a decision on the petition, filed January 24, 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 October 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 Wan Laymon at (571) 272-3220.

This matter is being referred to Technology Center AU 3671 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed Amendment.

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

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, D.C. 20231
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DW 06-02

Paper No. 5

EUGENE LIEBERSTEIN
ANDERSON KILL & OLICK, P.C.
1251 AVENUE OF THE AMERICAS
NEW YORK NY 10020

COPY MAILED

JUL 0 5 2002

OFFICE OF PETITIONS

In re Application of :
Tanaka et al. : DECISION DISMISSING
Application No. 10/061,443 : PETITION
Filed: 1 February, 2002 :
Attorney Docket No. MM4508 CON. :

This is a decision on the petition filed on 13 May, 2002, requesting that the above-identified application be accorded a filing date of 1 February, 2002, with Page 45 of the specification as a part of the original disclosure of the application.

The application was filed on 1 February, 2002. However, on 5 March, 2002, Initial Patent Examination Division mailed a "Notice to File Missing Parts of Nonprovisional Application" stating that the application had been accorded a 1 February, 2002, filing date, but, *inter alia*, that Page 45 of the specification appeared to have been omitted.

In response, on 13 May, 2002 (certificate of mailing date 6 May, 2002), Page 45 of the specification was filed accompanied by the present petition. Petitioner states that Page 45 was filed with the other application papers deposited on 1 February, 2002, but was misplaced after receipt in the USPTO.

Where the records of the Office (e.g. the file of the application) contain any document(s) or fee(s) corresponding to the contents of the correspondence at issue, the Office will rely upon its official record of the contents of such correspondence in the absence of convincing evidence (e.g. a postcard receipt under MPEP 503 containing specific itemization of the document(s) or fee(s) purported to have been filed with the correspondence at

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issue) that the Office received and misplaced any document(s) or fee(s) that is not among the official records of the Office. If a new application is being filed, all parts of the application being submitted should be separately listed on the postcard (e.g. the number of pages of specification (including written description, claims and abstract) number of claims, number of sheets of drawings, number of pages of oath/declaration. The postcard receipt will not serve as *prima facie* evidence of receipt of any item which is not adequately itemized on the postcard.[1]

While petitioner states that an itemized return receipt postcard was filed with the application, petitioners have not provided a copy of that itemized postcard with the present petition. As the postcard constitutes the best evidence of what papers were received in the USPTO on 1 February, 2002, the petition is dismissed without prejudice for reconsideration pending submission of a copy of petitioner's itemized postcard receipt.

The copy of Page 45 supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

As petitioners have provided no persuasive evidence that page 45 of the specification was filed in the USPTO on 1 February, 2002, the petition is **DISMISSED**.

Any request for reconsideration should be filed within **TWO MONTHS** of the date of this decision in order to be considered timely. This time period may <u>not</u> be extended pursuant to 37 CFR 1.136.

The petition fee of $130.00 has been charged to counsel's deposit account, No. 01-1944.

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

[1]MPEP 503.

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By hand: Crystal Plaza Four, Suite CP4-3C23
2201 South Clark Place
Arlington, VA 22202

The application file will be retained in the Office of Petitions for TWO (2) MONTHS to await receipt of petitioner's reply to this decision. Thereafter, if no reply is forthcoming, the application file will be forwarded to Initial Patent Examination Division for further processing with a filing date of 1 February, 2002, using only the application papers filed on that date.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Douglas I. Wood at (703) 308-6918.

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

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COMMISSIONER FOR PATENTS
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Paper No. 7

EUGENE LIEBERSTEIN
ANDERSON KILL & OLICK, P.C.
1251 AVENUE OF THE AMERICAS
NEW YORK NY 10020

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SEP 16 2002

OFFICE OF PETITIONS

In re Application of	:	
Tanaka et al.	:	DECISION DISMISSING
Application No. 10/061,443	:	PETITION
Filed: 1 February, 2002	:	
Attorney Docket No. MM4508 CON.	:	

This is a decision on the renewed petition filed on 13 May, 2002, requesting that the above-identified application be accorded a filing date of 1 February, 2002, with Page 45 of the specification as a part of the original disclosure of the application.

The application was filed on 1 February, 2002. However, on 5 March, 2002, Initial Patent Examination Division mailed a "Notice to File Missing Parts of Nonprovisional Application" stating that the application had been accorded a 1 February, 2002, filing date, but, *inter alia*, that Page 45 of the specification appeared to have been omitted.

In response, on 13 May, 2002 (certificate of mailing date 6 May, 2002), Page 45 of the specification was filed accompanied by a present petition. Petitioner states that Page 45 was filed with the other application papers deposited on 1 February, 2002, but was misplaced after receipt in the USPTO. The petition was dismissed on 5 July, 2002.

The present request for reconsideration was filed on 3 September, 2002. The petition is accompanied by a postcard receipt.

The argument and evidence supplied with the petition have been carefully considered, but are not persuasive. As stated previously, the USPTO has a well-established and well-publicized

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practice of providing a receipt for papers filed in the USPTO to any applicant desiring a receipt. The practice requires that any paper for which a receipt is desired be filed in the USPTO with a self-addressed postcard identifying the paper. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as prima facie evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO. See section 503, Manual of Patent Examining Procedure (MPEP 503). Unfortunately, petitioners' postcard receipt does not bear an Office-date stamp from the USPTO. As such, the postcard receipt does not serve as *prima facie* evidence that the items listed therein were received in the USPTO. If petitioners have a copy of the postcard receipt for this application with a USPTO "Office date" stamp, a copy of that postcard should be submitted with any renewed petition. Furthermore, an application transmittal letter is, at best, only evidence of what was intended to be filed, not evidence of what was actually received or filed in the USPTO.

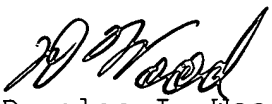
The petition is dismissed.

The copy of Page 45 of the specification supplied with the present petition will not be used for processing or examination, but will be retained in the application file. Petitioners may choose to file Page 45 as a preliminary amendment. If Pages 45 is filed as a preliminary amendment, the amendment will be reviewed for new matter.

The petition fee of $130.00 will not be refunded, since the present petition was not necessitated by Office error.

The application is being returned to Initial Patent Examination Division for further processing with a filing date of 1 February, 2002, using the application papers filed on that date.

Telephone inquiries specific to this matter should be directed to the undersigned at (703) 308-6918.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 5

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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JUL 2 3 2002

OFFICE OF PETITIONS

In re Application of :
Ayache et al. :
Application No. 10/061,455 : DECISION GRANTING
Filed: February 4, 2002 : PETITION
Attorney Docket No. 017346-0173 :

This is a decision on the petition filed July 10, 2002, to establish that Figure 7 was part of the originally filed application.

On February 4, 2002, the application was filed.

The application was filed on February 4, 2002. On May 24, 2002, the Office of Initial Patent Examination mailed a Notice stating that the application had been accorded a filing date of February 4, 2002, and advising applicants that Figure 7 described in the specification appeared to have been omitted.

Upon review of the record, Figure 7, deposited on February 4, 2002, has been located. Therefore the application was complete on filing.

In view of the above, the petition is **granted**.

The petition fee will be credited to petitioner's deposit account.

The Notice mailed May 24, 2002, was sent in error and is hereby vacated to the extent the Notice stated that Figure 7 was missing.

The Application is being returned to the Office of Initial Patent Examination for further processing with a filing date of February 4, 2002, using the application papers filed on February 4, 2002, including Figure 7.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 11

STATTLER JOHANSEN & ADELI
P O BOX 51860
PALO ALTO CA 94303

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AUG 1 1 2003

OFFICE OF PETITIONS

In re Application of :
Teig et al. :
Application No. 10/061,459 : ON PETITION
Filed: January 31, 2002 :
Attorney Docket No. SPLX.P0091 :

This is a decision on the petition under 37 CFR 1.137(b)/(f), filed June 6, 2003, to accept an unintentionally delayed notification of the filing in a foreign country of an application directed to the invention disclosed in the subject application.

The petition is **GRANTED**.

The present nonprovisional application became the subject of an application filed in the PCT Office designating foreign countries on January 31, 2003. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application.

Therefore, pursuant to the provisions of 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c), petitioner failed 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 present 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.

The Office has processed the request to rescind the previous nonpublication request. A corrected filing receipt setting forth the projected publication date, July 31, 2003, accompanies this decision on petition.

The application file is being forwarded to Technology Center 2800.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected filing receipt

SCAN! Please forward case and paper to address shown below.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 7/27/07

Paper No.: _____

TO SPE OF : ART UNIT 2154

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/061469 Patent No.: 7219138

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

Please review the requested changes/corrections as shown in the attached certificate of correction. Please complete this form (see below) and forward it with the file to:

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

HENRY RANDALL
Certificates of Correction Branch
703-308-9390 ext. _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

Approved

/Nathan J. Flynn/ SPE 2154

_____ SPE _____ Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 9

STATTLER JOHANSEN & ADELI
P O BOX 51860
PALO ALTO CA 94303

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OCT 07 2003

OFFICE OF PETITIONS

In re Application of :
Teig, et al. :
Application No. 10/061,474 : ON PETITION
Filed: January 31, 2002 :
Attorney Docket No. SPLX.P0098 :

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed June 6, 2003 (supplemented by facsimile transmission on June 24, 2003).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an international application filed on January 31, 2003. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the international 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.

The application file is being forwarded to Technology Center 2100, Group Art Unit 2175, for examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ian Hardcastle
Agilent Technologies, Inc.
Legal Department, MS DL429
P.O. Box 7599
Loveland, CO 80537-0599

NOV 23 2004

In re Application of:
Robert M. R. Neff
Serial Number: 10/061504
Filed: 02/01/02
For: Interleaved Clock Signal Generator Having Delay Chain and Divider Architecture

: DECISION ON PETITION
: TO WITHDRAW THE HOLDING
: OF ABANDONMENT

This is a decision on the petition filed on February 02, 2004 requesting the withdrawal of the holding of abandonment under 37 CFR 1.181. The subject application was held abandoned due to Applicant's failure to respond to the Office action mailed April, 07, 2003. The Petitioner's request is based upon Applicant's assertion that said Office action was not received.

The Petition is ***granted***.

The petition has been considered and found to comply with the requirements set forth in section 711.03(C) of the Manual of Patent Examining Procedure. Petitioner's statement of non-receipt and the attached copy of the docketing records are sufficient evidence to establish that Applicant did not receive the last Office action. Therefore, the holding of abandonment is withdrawn. A copy of the last Office action will be sent to Applicant with a shortened statutory period for response set to run three months from the mailing date of said action.

James L. Dwyer, Director
Technology Center 2800
Physics, Optical Systems and Components and Electrical Engineering

FAX MESSAGE FROM:

Law Offices of
SCHNECK & SCHNECK
P.O. Box 2-E
80 S. Market Street
Third Floor
San Jose, CA 95109-0005

RECEIVED
CENTRAL FAX CENTER
MAY 05 2009

TELEPHONE:(408) 297-9733
FAX:(408) 297-9748
EMAIL: WEBMAIL@PATENTVALLEY.COM

DATE: May 5, 2009

TO: U.S. Patent & Trademark Office

ATTN: Office of Petitions

FAX NO.: 571/273-8300

REF.: U.S. Patent Applications

THIS MESSAGE CONSISTS OF
THIS COVER SHEET PLUS 17 OTHER PAGES

To Sir or Madam:

The attached Petition for Certificate of Correction is being submitted for the below-identified patent application. If you have any questions please call our office.

U.S. Patent No. 6,647,450 - USSN 09/680,652 - our ref: CRA-001
U.S. Patent No. 6,738,837 - USSN 10/062,111 - our ref: CRA-015
U.S. Patent No. 6,708,259 - USSN 10/061,543 - our ref: CRA-019
U.S. Patent No. 6,912,673 - USSN 10/062,381 - our ref: CRA-007
U.S. Patent No. 6,874,049 - USSN 10/061,544 - our ref: CRA-016
U.S. Patent No. 6,711,655 - USSN 10/061,668 - our ref: CRA-008

Thanks,

Sally Azevedo, Patent Secretary
sally@patentvalley.com
Law Offices of Schneck & Schneck

Confidentiality Note

This facsimile may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and destroy all copies.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: David C. Wyland PATENT
Serial No.: 10/061,543 Group Art Unit: 2188
Filed: February 1, 2002 Examiner: K. Verbrugge
Confirmation No.: 2711 Atty. Docket No.: CRA-019
U.S. Patent: 6,708,259 Granted: March 16, 2004

For: PROGRAMMABLE WAKE UP OF MEMORY TRANSFER CONTROLLERS IN A MEMORY TRANSFER ENGINE

Petition for Certificate of Correction
of U.S. Patent No. 6,708,259
for Applicant's Mistake (37 CFR § 1.323)
37 C.F.R. 3.81(b)

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

Sir or Madam:

This is a re-submission for a Certificate of Correction for the above-identified patent. The prior submission did not include a Petition which is now provided. A copy of the USPTO refusal is enclosed.

The following error appears in the above-identified patent and are of such a nature as to justify the issuance of a Certificate of Correction.

1. The assignee's name was inadvertently incorrectly identified as Cradle Technologies, Inc. on the face of U.S. Patent No. 6,708,259 in the appropriate space for specifying the assignee, (item 3 of the Fee(s) Transmittal Form PTOL-85B) submitted in this application on January 27, 2004.

Pet. for Cert. of Corr.
05/06/2009 HMARZI1 00000044 190590 10061543
01 FC:1464 130.00 DA

2. Applicant requests the above-identified patent be corrected by Certificate of Correction to correct the name of the assignee as follows:

Cradle Technologies

3. The assignment of this application has been recorded, pursuant to 37 CFR § 3.11 before the issuance of the patent, on March 4, 2002, Reel 012666, Frame 0211 in favor of Cradle Technologies. A copy of the Notice of Recordation of Assignment Document is enclosed.

4. Included herewith is a request for a Certificate of Correction under 37 CFR § 1.323. The fee of $100 set forth in 37 CFR § 1.20(a) was previously paid in the prior Certificate of Correction submission which was refused. Please charge the processing fee set forth in 37 CFR 1.117(h) amounting to $130 to deposit account no. 19-0590. Charge any additional fees required by this paper or credit any overpayment to deposit account no. 19-0590.

5. Statement under 37 CFR § 3.73(b). The assignee is taking action to correct its name as owner of the patent as established by the assignment from the inventor identified in paragraph 3 above with reel and frame number. The undersigned is authorized to act on behalf of the assignee.

If this Petition is granted please forward the file to the Certificate of Corrections Branch. The Branch is requested to issue a Certificate of Correction, Form PTO 1050.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to no. (571)273-8300 Attn: Office of Petitions on the date shown below.

Signed: Sally Acevedo
Typed Name: Sally Acevedo

Date: May 5, 2009

Respectfully submitted,

Thomas Schneck
Reg. No. 24,518
Attorney for Applicant

Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005
(408) 297-9733

PAGE 3/18 * RCVD AT 5/5/2009 4:58:50 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/6 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):03-10

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MAY 05 2009

April 10, 2009

Patent No. : 6,708,259 B1
Application No : 10/061,543
Inventor(s) : Wyland
Issued : March 16, 2004
Title : **PROGRAMMABLE WAKE UP OF MEMORY TRANSFER CONTROLLERS IN A MEMORY TRANSFER ENGINE**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481)*. This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-8300
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.

Valerie Jackson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 114

Thomas Schneck
Law Offices of Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005

vj/MFD

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

MAY 08, 2002

PTAS

LAW OFFICES OF THOMAS SCHNECK
THOMAS SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

102018255A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/04/2002

REEL/FRAME: 012666/0211
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
WYLAND, DAVID C.

DOC DATE: 01/30/2002

ASSIGNEE:
CRADLE TECHNOLOGIES
3130 WEST WARREN AVENUE
A CALIFORNIA CORPORATION
FREMONT, CALIFORNIA 94538

SERIAL NUMBER: 10061543
PATENT NUMBER:

FILING DATE: 02/01/2002
ISSUE DATE:

THERESA FREDERICK, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

FORM PTO-1619A
Expires 06/30/99
OMB 0651-0027

03-15-2002

102018255

RECORDATION FORM COVER SHEET
PATENTS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- [X] New 3-4-02
- [ ] Resubmission (Non-Recordation) Document ID#
- [ ] Correction of PTO Error Reel # Frame #
- [ ] Corrective Document Reel # Frame #

Conveyance Type

- [X] Assignment
- [ ] Security Agreement
- [ ] License
- [ ] Change of Name
- [ ] Merger
- [ ] Other

U.S. Government
(For Use ONLY by U.S. Government Agencies)
- [ ] Departmental File
- [ ] Secret File

Conveying Party(ies)

- [ ] Mark if additional names of conveying parties attached

Name (line 1): David C. Wyland — Execution Date Month Day Year: 01 30 2002

Name (line 2):

Second Party
Name (line 1): — Execution Date Month Day Year:

Name (line 2):

Receiving Party

- [ ] Mark if additional names of receiving parties attached

Name (line 1): CRADLE TECHNOLOGIES

Name (line 2): a California corporation

Address (line 1): 3130 West Warren Avenue

Address (line 2):

Address (line 3): Fremont (City) California (State/Country) 94538 (Zip Code)

- [ ] If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. *(Designation must be a separate document from Assignment.)*

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name:

Address (line 1):

Address (line 2):

Address (line 3):

Address (line 4):

03/14/2002 LMUELLER 00000118 10061543
01 FC:581 40.00 OP

FOR OFFICE USE ONLY

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments , Washington, D.C. 20231

FORM PTO-1619B
Expires 06/30/99
OMB 0651-0027

Page 2

U.S. Department of Commerce
Patent and Trademark Office
PATENT

Correspondent Name and Address Area Code and Telephone Number (408) 297-9733

Name: Thomas Schneck

Address (line 1): Law Offices of Thomas Schneck

Address (line 2): P.O. Box 2-E

Address (line 3): San Jose, CA 95109-0005

Address (line 4):

Pages Enter the total number of pages of the attached conveyance document including any attachments. # 6

Application Number(s) or Patent Number(s) ☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)			Patent Number(s)		
10/061,543					

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor. Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number only if a U.S. Application Number has not been assigned.

PCT PCT PCT

PCT PCT PCT

Number of Properties Enter the total number of properties involved. # 1

Fee Amount Fee Amount for Properties Listed (37 CFR 3.41): $ 40.00

Method of Payment: Deposit Account — Enclosed ☒ Deposit Account ☐

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: # 19-0590

Authorization to charge additional fees: Yes ☒ No ☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Thomas Schneck	Thomas Schneck	February 22, 2002
Name of Person Signing	Signature	Date

A S S I G N M E N T

WHEREAS, the undersigned, DAVID C. WYLAND, having an address of 15213 Bowden Court, Morgan Hill, County of Santa Clara, State of California 95037 (hereinafter termed Assignor) has invented certain new and useful improvements in an invention entitled: PROGRAMMABLE WAKE UP OF MEMORY TRANSFER CONTROLLERS IN A MEMORY TRANSFER ENGINE; the undersigned Assignor hereby authorizes and requests that the serial number and filing date of said patent application be entered herein by the attorney in charge of the application, as soon as such information is known:

Serial No. 10/061,543

Filed: February 1, 2002

WHEREAS, CRADLE TECHNOLOGIES, a corporation of the State of California, having an address of 3130 West Warren Avenue, Fremont, California 94538 (hereinafter termed Assignee) is desirous of acquiring the entire right, title and interest in and to said application and said invention and improvements thereon, and in and to Letters Patent thereon when granted in the United States and foreign countries;

NOW, THEREFORE, in consideration of the sum of One Dollar ($1.00) and for other good and valuable consideration received by said Assignor from said Assignee, the receipt and sufficiency of which in full are hereby acknowledged by said Assignor:

1. Said Assignor does hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest in and to said application and said invention and in and to any and all improvements on said invention heretofore or hereafter made or acquired by said Assignor; and in and to any and all Letters Patent on said invention and/or said improvements that may be granted in the United States or any foreign country, including each and every Letters Patent granted on any application which is a division, continuation, substitution, renewal, or continuation-in-part of any of said application specifically identified herein, and in and to each and every reissue or extension of said Letters Patent.

2. Said Assignor hereby covenants and agrees to cooperate with said Assignee whereby said Assignee may enjoy to the fullest extent the right, title and interest herein conveyed. Such cooperation shall include (a) prompt execution of all papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee to perfect in it the right, title and interest herein conveyed; (b) prompt execution of all petitions, oaths, specifications or other papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee for prosecuting said application, for filing and prosecuting divisional, continuation, substitution, renewal, continuation-in-part, or additional applications in the United States and/or foreign countries covering said invention and/or said improve-

PAGE 10/18 * RCVD AT 5/5/2009 4:58:50 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/6 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):03-10

ments, for filing and prosecuting applications for reissuance of Letters Patent included herein, or for interference proceedings involving said invention and/or said improvements; (c) prompt assistance and cooperation in the prosecution of interference proceedings involving said invention and/or said improvements and in the adjudication of said Letters Patent, particularly by the disclosure of facts and the production of evidence relating to said invention and/or said improvements, provided the expenses which may be incurred by said Assignor in lending such assistance and cooperation shall be paid by the Assignee.

3. The terms, covenants and conditions of this assignment shall inure to the benefit of said Assignee, its successors, assigns and/or other legal representatives, and shall be binding upon said Assignor, his heirs, legal representatives and assigns.

4. Said Assignor hereby warrants and represents that he has not entered into any assignment, contract or understanding in conflict herewith.

IN WITNESS WHEREOF, this said Assignor has executed and delivered this instrument this 30TH day of JANUARY, 2002.

DAVID C. WYLAND

PAGE 11/18 * RCVD AT 5/5/2009 4:58:50 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/6 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):03-10

County of Santa Clara)
)
State of California)

On 2nd January 2002, before me, Babul Sheth,
personally appeared DAVID C. WYLAND, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

BABUL K. SHETH
COMM. # 1188397
NOTARY PUBLIC - CALIFORNIA
SAN MATEO COUNTY
My Comm. Exp. June 27 2002

WITNESS my hand and official seal.

Signature Babul K. Sheth (Seal)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: David C. Wyland PATENT
Serial No.: 10/061,543 Group Art Unit: 2188
Filed: February 1, 2002 Examiner: K. Verbrugge
Confirmation No.: 2711 Atty. Docket No.: CRA-019
U.S. Patent: 6,708,259 Granted: March 16, 2004

For: PROGRAMMABLE WAKE UP OF MEMORY TRANSFER CONTROLLERS IN A MEMORY TRANSFER ENGINE

Request for Certificate of Correction
of U.S. Patent No. 6,708,259
for Applicant's Mistake (37 CFR § 1.323)

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

Sir or Madam:

The following error appears in the above-identified patent and are of such a nature as to justify the issuance of a Certificate of Correction.

1. The assignee's name was incorrectly identified as Cradle Technologies, Inc. on the face of U.S. Patent No. 6,708,259 in the appropriate space for specifying the assignee, (item 3 of the Fee(s) Transmittal Form PTOL-85B) submitted in this application on January 27, 2004.

2. Applicant requests the above-identified patent be corrected by Certificate of Correction to correct the name of the assignee as follows:

Cradle Technologies

PAGE 13/18 * RCVD AT 5/5/2009 4:58:50 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/6 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):03-10

3. The assignment of this application was been recorded, pursuant to 37 CFR § 3.11 before the issuance of the patent, on March 4, 2002, Reel 012666, Frame 0211 in favor of Cradle Technologies.

4. Included herewith is a request for a Certificate of Correction under 37 CFR § 1.323 along with the fee of $100 set forth in 37 CFR § 1.20(a). Charge any additional fees required by this paper or credit any overpayment to deposit account no. 19-0590.

5. Statement under 37 CFR § 3.73(b). The assignee is taking action to correct its name as owner of the patent as established by the assignment from the inventor identified in paragraph 3 above with reel and frame number. The undersigned is authorized to act on behalf of the assignee.

Please issue a Certificate of Correction, Form PTO 1050.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) on the date shown below.

Signed: Sally Azevedo

Typed Name: Sally Azevedo

Date: April 3, 2009

Respectfully submitted,

Thomas Schneck

Reg. No. 24,518

Attorney for Applicant

Schneck & Schneck

P.O. Box 2-E

San Jose, CA 95109-0005

(408) 297-9733

Req. for Cert. of Corr.

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 : 6,708,259 B1
DATED : March 16, 2004
INVENTOR(S) : David C. Wyland

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

Cover page at Item (73) Assignee reads "Cradle Technologies, Inc.", should read:
— Cradle Technologies —.

MAILING ADDRESS OF SENDER: Thomas Schneck
Law Offices of Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005

PATENT NO. 6,708,259 B1

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.

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Electronic Acknowledgement Receipt

EFS ID:	5096898
Application Number:	10061543
International Application Number:	
Confirmation Number:	2711
Title of Invention:	PROGRAMMABLE WAKE UP OF MEMORY TRANSFER CONTROLLERS IN A MEMORY TRANSFER ENGINE
First Named Inventor/Applicant Name:	David C. Wyland
Correspondence Address:	Law Offices of Thomas Schneck - P.O. Box 2-E - San Jose CA 95109-0005 US 4082979733 -
Filer:	Thomas Schneck/Merle Garcia
Filer Authorized By:	Thomas Schneck
Attorney Docket Number:	CRA-019
Receipt Date:	03-APR-2009
Filing Date:	01-FEB-2002
Time Stamp:	19:45:52
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$100

RAM confirmation Number	4684
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	CRA-019ReqCertCorrection.pdf	146972 d80ab6af34d3ea6630707eda3345735e57f8c8769c	no	3
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	30326 9852bb1ead1a7d1228ace07a49de94992c08529d	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	177298		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

United States Patent and Trademark Office

EFS Registered

Please Read Announcement | Application Data | Attach Documents | Review Documents | Calculate Fees | Confirm & Submit | Pay Fees | Receipt

review fees | make payment | fee receipt

Pay fees by Credit Card

Your Acknowledgement Receipt (evidence of this submission) will be provided upon completion of this payment transaction, or, upon choosing to not pay at any time during the payment process.

You are about to charge $ 100 to the following Credit Card:

Card Type	VISA
Ending with	5085
Expires	11/2011
Cardholder Name	Patricia Schneck
Street 1	P.O. Box 2-E
Street 2	
City	San Jose
State	CALIFORNIA
Country	UNITED STATES
ZIP/Postal Code	95109
Telephone Number	(408) 297-9733

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I hereby approve the U.S. Patent and Trademark Office (USPTO) to authorize and charge my credit card listed above. I understand that my credit card company will reserve the funds for payment to the USPTO. If the USPTO security features decline the payment, it may take 3 to 10 days for my credit card company to release the funds, and I am still responsible for making the payment to the USPTO.

YES - Charge this Credit Card now Privacy Policy

NO - I do not wish to use this Credit Card:

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

4/13/09

Patent No. :6874049
Ser. No. :10/061544
Inventor(s) :DAVID C. WYLAND
Issued : 3/12/05
Title : SEAPHORES WITH INTERRUPT MECHANISMFLOOR TILE
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

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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.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

Thomas Schneck
Law Office of Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005

HR

FAX MESSAGE FROM:

Law Offices of
SCHNECK & SCHNECK
P.O. Box 2-E
80 S. Market Street
Third Floor
San Jose, CA 95109-0005

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MAY 05 2009

TELEPHONE:(408) 297-9733
FAX:(408) 297-9748
EMAIL: WEBMAIL@PATENTVALLEY.COM

DATE: May 5, 2009

TO: U.S. Patent & Trademark Office

ATTN: Office of Petitions

FAX NO.: 571/273-8300

REF.: U.S. Patent Applications

THIS MESSAGE CONSISTS OF
THIS COVER SHEET PLUS 17 OTHER PAGES

To Sir or Madam:

The attached Petition for Certificate of Correction is being submitted for the below-identified patent application. If you have any questions please call our office.

U.S. Patent No. 6,647,450 - USSN 09/680,652 - our ref: CRA-001
U.S. Patent No. 6,738,837 - USSN 10/062,111 - our ref: CRA-015
U.S. Patent No. 6,708,259 - USSN 10/061,543 - our ref: CRA-019
U.S. Patent No. 6,912,673 - USSN 10/062,381 - our ref: CRA-007
U.S. Patent No. 6,874,049 - USSN 10/061,544 - our ref: CRA-016
U.S. Patent No. 6,711,655 - USSN 10/061,668 - our ref: CRA-008

Thanks,

Sally Azevedo, Patent Secretary
sally@patentvalley.com
Law Offices of Schneck & Schneck

Confidentiality Note

This facsimile may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and destroy all copies.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: David C. Wyland PATENT
Serial No.: 10/061,544 Group Art Unit: 2111
Filed: February 1, 2002 Examiner: G.A. Auve
Confirmation No.: 2708 Atty. Docket No.: CRA-016
U.S. Patent: 6,874,049 Granted: March 29, 2005

For: SEMAPHORES WITH INTERRUPT MECHANISM

Petition for Certificate of Correction
of U.S. Patent No. 6,874,049
for Applicant's Mistake (37 CFR § 1.323)
37 C.F.R. 3.81(b)

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

Sir or Madam:

This is a re-submission for a Certificate of Correction for the above-identified patent. The prior submission did not include a Petition which is now provided. A copy of the USPTO refusal is enclosed.

The following error appears in the above-identified patent and are of such a nature as to justify the issuance of a Certificate of Correction.

1. The assignee's name was inadvertently incorrectly identified as Cradle Technologies, Inc. on the face of U.S. Patent No. 6,874,049 in the appropriate space for specifying the assignee, (item 3 of the Fee(s) Transmittal Form PTOL-85B) submitted in this application on February 8, 2005.

05/06/2009 HMARZI1 00000041 190590 10061544
01 FC:1464 130.00 DA

PAGE 2/18 * RCVD AT 5/5/2009 5:11:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):03-16

2. Applicant requests the above-identified patent be corrected by Certificate of Correction to correct the name of the assignee as follows:

Cradle Technologies

3. The assignment of this application has been recorded, pursuant to 37 CFR § 3.11 before the issuance of the patent, on March 4, 2002, Reel 012666, Frame 0205 in favor of Cradle Technologies. A copy of the Notice of Recordation of Assignment Document is enclosed.

4. Included herewith is a request for a Certificate of Correction under 37 CFR § 1.323. The fee of $100 set forth in 37 CFR § 1.20(a) was previously paid in the prior Certificate of Correction submission which was refused. Please charge the processing fee set forth in 37 CFR 1.117(h) amounting to $130, to deposit account no. 19-0590. Charge any additional fees required by this paper or credit any overpayment to deposit account no. 19-0590.

5. Statement under 37 CFR § 3.73(b). The assignee is taking action to correct its name as owner of the patent as established by the assignment from the inventor identified in paragraph 3 above with reel and frame number. The undersigned is authorized to act on behalf of the assignee.

If this Petition is granted please forward the file to the Certificate of Corrections Branch. The Branch is requested to issue a Certificate of Correction, Form PTO 1050.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to no. (571)273-8300 Attn: Office of Petitions on the date shown below.

Signed: Sally Cisneros
Typed Name: Sally Acevedo

Date: May 5, 2009

Respectfully submitted,

Thomas Schneck
Reg. No. 24,518
Attorney for Applicant

Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005
(408) 297-9733

PAGE 3/18 * RCVD AT 5/5/2009 5:11:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):03-16

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

4/17/09

Patent No. :6874049
Ser. No. :10/061544
Inventor(s) :DAVID C. WYLAND
Issued : 3/12/05
Title : SEAPHORES WITH INTERRUPT MECHANISMFLOOR TILE
Docket No. :

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481)*. This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

Best Available Copy

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.

A certificate of correction will be issued to correct the remaining errors noted in your request.

Henry Randall
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 Ext. 108

Thomas Schneck
Law Office of Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005

HR

UNITED STATES
PATENT AND
TRADEMARK OFFICE

[illegible] For Intellectual Property and
Director of the United States Patent and Trademark Office
Washington, DC 20231
www.uspto.gov

MAY 08, 2002

PTAS

LAW OFFICES OF THOMAS SCHNECK
THOMAS SCHNECK
P.O. BOX 2-E
SAN JOSE, CALIFORNIA 95109-0005

102018567A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/04/2002

REEL/FRAME: 012666/0205
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
WYLAND, DAVID C.

DOC DATE: 01/30/2002

ASSIGNEE:
CRADLE TECHNOLOGIES, A CORP. OF
CALIFORNIA
3130 WEST WARREN AVENUE
FREMONT, CALIFORNIA 94538

SERIAL NUMBER: 10061544
PATENT NUMBER:

FILING DATE: 02/01/2002
ISSUE DATE:

ALLYSON PURNELL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

03-15-2002

102018567

U.S. Department of Commerce
Patent and Trademark Office
PATENT

RECORDATION FORM COVER SHEET
PATENTS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- [X] New 3-4-02
- [ ] Resubmission (Non-Recordation) Document ID#
- [ ] Correction of PTO Error Reel # Frame #
- [ ] Corrective Document Reel # Frame #

Conveyance Type

- [X] Assignment
- [ ] Security Agreement
- [ ] License
- [ ] Change of Name
- [ ] Merger
- [ ] Other

U.S. Government
(For Use ONLY by U.S. Government Agencies)
- [ ] Departmental File
- [ ] Secret File

Conveying Party(ies)

[ ] Mark if additional names of conveying parties attached

Name (line 1): David C. Wyland — Execution Date Month Day Year: 01 30 2002

Name (line 2):

Second Party
Name (line 1): — Execution Date Month Day Year:

Name (line 2):

Receiving Party

[ ] Mark if additional names of receiving parties attached

Name (line 1): CRADLE TECHNOLOGIES

Name (line 2): a California corporation

Address (line 1): 3130 West Warren Avenue

Address (line 2):

Address (line 3): Fremont (City) California (State/Country) 94538 (Zip Code)

[ ] If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. *(Designation must be a separate document from Assignment.)*

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name:

Address (line 1):

Address (line 2):

Address (line 3):

Address (line 4):

03/14/2002 LMUELLER 00000117 10061544
01 FC:581 40.00 OP

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Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments , Washington, D.C. 20231

FORM PTO-1619B
Expires 06/30/99
OMB 0651-0027

Page 2

U.S. Department of Commerce
Patent and Trademark Office
PATENT

Correspondent Name and Address Area Code and Telephone Number (408) 297-9733

Name: Thomas Schneck

Address (line 1): Law Offices of Thomas Schneck

Address (line 2): P.O. Box 2-E

Address (line 3): San Jose, CA 95109-0005

Address (line 4):

Pages Enter the total number of pages of the attached conveyance document including any attachments. # 6

Application Number(s) or Patent Number(s) ☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)			Patent Number(s)		
10/061,544					

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor. Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number only if a U.S. Application Number has not been assigned.

PCT PCT PCT

PCT PCT PCT

Number of Properties Enter the total number of properties involved. # 1

Fee Amount Fee Amount for Properties Listed (37 CFR 3.41): $ 40.00

Method of Payment: Deposit Account — Enclosed ☒ Deposit Account ☐

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: # 19-0590

Authorization to charge additional fees: Yes ☒ No ☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Thomas Schneck — Name of Person Signing

Signature

February 22, 2002 — Date

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A S S I G N M E N T

WHEREAS, the undersigned, DAVID C. WYLAND, having an address of 15213 Bowden Court, Morgan Hill, County of Santa Clara, State of California 95037 (hereinafter termed Assignor) has invented certain new and useful improvements in an invention entitled: SEMAPHORES WITH INTERRUPT MECHANISM; the undersigned Assignor hereby authorizes and requests that the serial number and filing date of said patent application be entered herein by the attorney in charge of the application, as soon as such information is known:

Serial No. 10/061,544

Filed: February 1, 2002

WHEREAS, CRADLE TECHNOLOGIES, a corporation of the State of California, having an address of 3130 West Warren Avenue, Fremont, California 94538 (hereinafter termed Assignee) is desirous of acquiring the entire right, title and interest in and to said application and said invention and improvements thereon, and in and to Letters Patent thereon when granted in the United States and foreign countries;

NOW, THEREFORE, in consideration of the sum of One Dollar ($1.00) and for other good and valuable consideration received by said Assignor from said Assignee, the receipt and sufficiency of which in full are hereby acknowledged by said Assignor:

1. Said Assignor does hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest in and to said application and said invention and in and to any and all improvements on said invention heretofore or hereafter made or acquired by said Assignor; and in and to any and all Letters Patent on said invention and/or said improvements that may be granted in the United States or any foreign country, including each and every Letters Patent granted on any application which is a division, continuation, substitution, renewal, or continuation-in-part of any of said application specifically identified herein, and in and to each and every reissue or extension of said Letters Patent.

2. Said Assignor hereby covenants and agrees to cooperate with said Assignee whereby said Assignee may enjoy to the fullest extent the right, title and interest herein conveyed. Such cooperation shall include (a) prompt execution of all papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee to perfect in it the right, title and interest herein conveyed; (b) prompt execution of all petitions, oaths, specifications or other papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee for prosecuting said application, for filing and prosecuting divisional, continuation, substitution, renewal, continuation-in-part, or additional applications in the United States and/or foreign countries covering said invention and/or said improve-

PAGE 10/18 * RCVD AT 5/5/2009 5:11:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):03-16

ments, for filing and prosecuting applications for reissuance of Letters Patent included herein, or for interference proceedings involving said invention and/or said improvements; (c) prompt assistance and cooperation in the prosecution of interference proceedings involving said invention and/or said improvements and in the adjudication of said Letters Patent, particularly by the disclosure of facts and the production of evidence relating to said invention and/or said improvements, provided the expenses which may be incurred by said Assignor in lending such assistance and cooperation shall be paid by the Assignee.

3. The terms, covenants and conditions of this assignment shall inure to the benefit of said Assignee, its successors, assigns and/or other legal representatives, and shall be binding upon said Assignor, his heirs, legal representatives and assigns.

4. Said Assignor hereby warrants and represents that he has not entered into any assignment, contract or understanding in conflict herewith.

IN WITNESS WHEREOF, this said Assignor has executed and delivered this instrument this 30TH day of JANUARY, 2002.

DAVID C. WYLAND

PAGE 11/18 * RCVD AT 5/5/2009 5:11:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):03-16

County of Santa Clara)
)
State of California)

On 5th January 2002, before me, [illegible],
personally appeared DAVID C. WYLAND, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

BABUL K. SHETH
COMM. # 1188397
NOTARY PUBLIC - CALIFORNIA
SAN MATEO COUNTY
My Comm. Exp. June 27 2002

Signature Babul K. Sheth (Seal)

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MAY 05 2009

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: David C. Wyland PATENT
Serial No.: 10/061,544 Group Art Unit: 2111
Filed: February 1, 2002 Examiner: G.A. Auve
Confirmation No.: 2708 Atty. Docket No.: CRA-016
U.S. Patent: 6,874,049 Granted: March 29, 2005

For: SEMAPHORES WITH INTERRUPT MECHANISM

Request for Certificate of Correction
of U.S. Patent No. 6,874,049
for Applicant's Mistake (37 CFR § 1.323)

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

Sir or Madam:

The following error appears in the above-identified patent and are of such a nature as to justify the issuance of a Certificate of Correction.

1. The assignee's name was incorrectly identified as Cradle Technologies, Inc. on the face of U.S. Patent No. 6,874,049 in the appropriate space for specifying the assignee, (item 3 of the Fee(s) Transmittal Form PTOL-85B) submitted in this application on February 8, 2005.

2. Applicant requests the above-identified patent be corrected by Certificate of Correction to correct the name of the assignee as follows:

Cradle Technologies

PAGE 13/18 * RCVD AT 5/5/2009 5:11:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):03-16

3. The assignment of this application was been recorded, pursuant to 37 CFR § 3.11 before the issuance of the patent, on March 4, 2002, Reel 012666, Frame 0205 in favor of Cradle Technologies.

4. Included herewith is a request for a Certificate of Correction under 37 CFR § 1.323 along with the fee of $100 set forth in 37 CFR § 1.20(a). Charge any additional fees required by this paper or credit any overpayment to deposit account no. 19-0590.

5. Statement under 37 CFR § 3.73(b). The assignee is taking action to correct its name as owner of the patent as established by the assignment from the inventor identified in paragraph 3 above with reel and frame number. The undersigned is authorized to act on behalf of the assignee.

Please issue a Certificate of Correction, Form PTO 1050.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) on the date shown below.

Signed: Sally Azevedo

Typed Name: Sally Azevedo

Date: April 3, 2009

Respectfully submitted,

Thomas Schneck

Reg. No. 24,518

Attorney for Applicant

Schneck & Schneck

P.O. Box 2-E

San Jose, CA 95109-0005

(408) 297-9733

PAGE 14/18 * RCVD AT 5/5/2009 5:11:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):03-16

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 : 6,874,049 B1
DATED : March 29, 2005
INVENTOR(S) : David C. Wyland

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

Cover page at Item (73) Assignee reads "Cradle Technologies, Inc.", should read:
--- Cradle Technologies ---.

MAILING ADDRESS OF SENDER: Thomas Schneck
Law Offices of Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005

PATENT NO. 6,874,049 B1

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.

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Electronic Acknowledgement Receipt

EFS ID:	5096868
Application Number:	10061544
International Application Number:	
Confirmation Number:	2708
Title of Invention:	SEMAPHORES WITH INTERRUPT MECHANISM
First Named Inventor/Applicant Name:	David C. Wyland
Correspondence Address:	Law Offices of Thomas Schneck - P.O. Box 2-E - San Jose CA 95109-0005 US 408297-9733 -
Filer:	Thomas Schneck/Merle Garcia
Filer Authorized By:	Thomas Schneck
Attorney Docket Number:	CRA-016
Receipt Date:	03-APR-2009
Filing Date:	01-FEB-2002
Time Stamp:	19:41:15
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$100

RAM confirmation Number	4652
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	CRA-016ReqCertCorrection.pdf	144041 6a1ab144ad26715342664f95b5f43b4dd10a026	no	3
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	29861 a4763b286dda4ed8377fac02b60c50273579403d99fa	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	173902		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

United States Patent and Trademark Office

EFS Registered

Please Read Instructions | Application Data | Attach Document | Review Documents | Calculate Fees | Confirm & Submit | Pay Fees | Receipt

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review fees — make payment — fee receipt

Your Acknowledgement Receipt (evidence of this submission) will be provided upon completion of this payment transaction, or, upon choosing to not pay at any time during the payment process.

You are about to charge $ 100 to the following Credit Card:

Card Type	VISA
Ending with	5085
Expires	11/2011
Cardholder Name	Patricia Schneck
Street 1	P.O. Box 2-E
Street 2	
City	San Jose
State	CALIFORNIA
Country	UNITED STATES
ZIP/Postal Code	95109
Telephone Number	(408) 297-9733

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I hereby approve the U.S. Patent and Trademark Office (USPTO) to authorize and charge my credit card listed above. I understand that my credit card company will reserve the funds for payment to the USPTO. If the USPTO security features decline the payment, it may take 3 to 10 days for my credit card company to release the funds, and I am still responsible for making the payment to the USPTO.

YES - Charge this Credit Card now | Privacy Policy

NO - I do not wish to use this Credit Card:

- Reenter Credit Card Payment information
- Make Payment with USPTO Deposit Account

PAGE 18/18 * RCVD AT 5/5/2009 5:11:42 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/24 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):03-16

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 4

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JUL 16 2003

OFFICE OF PETITIONS

R. Alan Burnett
BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles CA 90025-1026

In re Application of
John D. Witt and Tyler M. Anderson
Application No. 10/061,557
Filed: February 1, 2002
Attorney Docket No. 004524.P071
Title: FAST STEERING MIRROR

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

This is a decision on the petition filed on May 16, 20031, pursuant to 37 C.F.R. §1.137(f), to revive the above-identified application.

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

(1) Notification of the filing of an application in a foreign country or under a multinational treaty that requires 18 month publication[2];
(2) The petition fee as set forth in 37 C.F.R. § 1.17(m), and;
(3) A statement that the entire delay in filing the notice from the date that the notice was due under 35 U.S.C. §122(b)(2)(B)(iii) until the date the notice was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

Petitioner states that the instant nonprovisional application is the subject of an application filed in international application on January 31, 2003. However, the United States 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.

1 A supplement to this petition was submitted on July 8, 2003.

2 See PTO/SB/36 and paragraph on PTO/SB/64a for further information. Both may be downloaded at http://www.uspto.gov/web/forms/index.html.

On February 5, 2003, a Notice of Rescission of Nonpublication Request was filed with the Office. Unfortunately, this was not accompianied by a notice of the international filing.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §1.22(b)(2)(B)(iii) and 37 C.F.R. §1.213(c) for failure to timely notify the Office of the filing of an application under a multilateral international agreement that requires publication of applications 18 months after filing.

The petition under 37 C.F.R. §1.137(f) is **GRANTED**.

Petitioner has submitted the notification of an international filing, paid the petition fee, and has made the proper statement of unintentional delay.

The instant petition has been found to be in compliance with 37 C.F.R. §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 C.F.R. §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), filed with the original application papers, has been rescinded. A Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of October 23, 2003 accompanies this decision on petition.

After this decision is mailed, the application will be forwarded to Technology Center 2800 for further processing.

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

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

Encl.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

012004

Richard P. Berg
LADAS & PARRY
5670 Wilshire Boulevard, Suite 2100
Los Angeles, CA 90036

JAN 28 2004

In re Application of:
Ting-Sing Wang
Serial No.: 10/061,562
Filed: February 1, 2002
Attorney Docket No. B-4477 619483-1

DECISION ON PETITION

This is a response to the communication filed December 11, 2003, via facsimile transmission. The communication is being treated as a petition to withdraw the holding of abandonment of the above-identified application.

The petition is GRANTED.

This application was held abandoned for failure to respond in a timely manner to the non-final Office action of May 8, 2003. A Notice of Abandonment was mailed on December 5, 2003.

Petitioner submits a copy of a response, a copy of a return postcard receipt on which the US Patent and Trademark Office (USPTO) acknowledges receipt of a Response on August 4, 2003, and a statement indicating that the copy of the response is an "exact copy of what was submitted.

The response is not of record in the application file and cannot be located. However, M.P.E.P. § 503 states that: " A postcard receipt which itemizes and properly identifies the 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." The response received on August 4, 2003 was timely filed. Accordingly, the application is not abandoned in fact.

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

The copy of the response submitted on December 11, 2003 is accepted since the Office has apparently misplaced the response originally submitted.

The application file is being forwarded to the technical support staff for entry of the amendment. From there, the application will be forwarded to the examiner for further examination.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (703) 308-7502.

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

PETITION

FAX TO EXAMINER

703-746-3881

17 pages

To: RPB (cih)

Our reference:
B-4477 619483-1

FROM: Commissioner for Patents
POB 1450
Alexandria, VA 22313-1450

Date mailed:
July 31, 2003

THE PATENT AND TRADEMARK OFFICE
MAIL ROOM STAMP HEREON ACKNOWLEDGES
RECEIPT OF: RESPONSE TO OFFICE ACTION WITH CERTIFICATE OF MAILING (16 PAGES);

IN CONNECTION WITH:
TING-SING WANG

STAMP

FOR: "INLINE DETECTION DEVICE FOR SELF-ALIGNED..."

U.S. PATENT APPLICATION NO.:
10/061562

OIPE JC41 AUG 04 2003 PATENT & TRADEMARK OFFICE

RECEIVED

DEC 11 2003

TECHNOLOGY CENTER 2800
SPECIAL PROGRAM CENTER

Please call Richard Berg at 323-934-2300,

thanks

This is exact copy of what was submitted.

 28, 645

UNITED STATES 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

PERKINS COIE LLP
PATENT-SEA
PO BOX 1247
SEATTLE WA 98111-1247

COPY MAILED

NOV 1 3 2003

OFFICE OF PETITIONS

In re Application of :
Foster, et al. :
Application No. 10/061,564 : ON PETITION
Filed: October 26, 2001 :
Attorney Docket No. 030048030US :

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed June 13, 2003.[1]

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an international application filed on April 19, 2002. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the international 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.

---

[1] Supplemented by a facsimile transmittal on November 12, 2003.

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.

The previous Request and Certification under 35 USC 122(b)(2)(B)(i) has been rescinded.

The application file is being forwarded to Technology Center 2600, Group Art Unit 2664, for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TAROLLI, SUNDHEIM, COVELL & TUMMINO
526 SUPERIOR AVENUE, SUITE 1111
CLEVELAND OH 44114

COPY MAILED

DEC 0 7 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
James M. Hobaugh :
Application No. 10/061,584 :
Filed: February 1, 2002 :
Attorney Docket No. TRW(RG)5741 :

This is a decision on the petition, filed December 6, 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 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 (571) 272-3208.

The examiner of Technology Center AU 3682 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. _____

Date : December 7, 2004

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of Application No. 10/061,584

Applicant(s) :James M. Hobaugh
Application No. :10/061,584
Filed :February 1, 2002

The above-identified application has been assigned Patent No. 6,832,530 and an issue date of December 21, 2004.

It is hereby directed that this application be withdrawn from issue at the request of the applicants.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of December 21, 2004:

> "All reference to Patent No. 6,832,530 to James M. Hobaugh of Indiana for SURFACE TREATMENT FOR A LOCKING MECHANISM appearing in the Official Gazette of December 21, 2004 should be deleted since no patent was granted."

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc: Paul Harrison, 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 Greene, Crystal Park 3-908

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 1/29/08

TO SPE OF : ART UNIT 3663

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/061585 Patent No: 6822787 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: _____

1/6/09 SPE 3663 Art Unit

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

OIPE
JUN 0 6 2002
PATENT & TRADEMARK OFFICE
JC4

10061599.060602
COPY OF PAPERS ORIGINALLY FILED

Attorney Docket No. 10541-432

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

SINKUNAS, et al.

Serial No.: 10/061,599

Filed: February 1, 2002

For: SYSTEM AND METHOD FOR REPAIRING FLEX CIRCUITS

Attention: Manager, Application Branch

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Box Missing Parts, Commissioner for Patents, U.S. Patent and Trademark Office, Washington, DC 20231 on May 28, 2002.

By _____

RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION FILING DATE GRANTED

Box MISSING PARTS
Commissioner for Patents
U.S. Patent and Trademark Office
Washington, D.C. 20231

Dear Sir:

In accordance with the Notice to File Missing Parts of Application Filing Date Granted dated February 27, 2002, a copy of which is attached, enclosed herewith for filing are the following documents:

☒ Fully executed Declaration for Patent Application and Power of Attorney for the above-referenced patent application.

06/11/2002 BABRAHA1 00000066 061500 10061599
02 FC:115 110.00 OP

Attorney Docket No.: 10541-432
Serial No.: 10/061,599

☒ Applicant is:

☐ a small entity, verified statement is:

☐ attached

☐ already filed

☒ other than small entity

☒ Petition for Extension of Time (37 C.F.R. § 1.136(a)) to file missing parts (in duplicate).

☐ Information Disclosure Statement, PTO Form 1449, Copies of References.

☒ Drawing Transmittal Letter, 17 Sheets of Drawings (Figs. 1-12b).

☒ Other: Return Postcard.

☒ The Commissioner is hereby authorized to charge the surcharge fee of $240.00 and charge any deficiencies in fees or credit overpayment to Deposit Account No. 06-1500. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Dated: May 28, 2002

By: _____

Raymond J. Vivacqua
Registration No. 45,369
Attorney for Applicant(s)

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610
(724) 302-6000

OIPE
JUN 0 6 2002
PATENT & TRADEMARK OFFICE
JC4

10061599 .060602

#4

PATENT
Attorney Docket No.: 10541-432

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

COPY OF PAPERS ORIGINALLY FILED

In re Application of:

SINKUNAS, et al.

Serial No. : 10/061,599 Examiner: Unknown

Filing Date: February 1, 2002 Group Art Unit No.: Unknown

Title: SYSTEM AND METHOD FOR REPAIRING FLEX CIRCUITS

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage addressed to: Commissioner for Patents, Washington, DC 20231 on May 28, 2002.

By _____

DRAWING TRANSMITTAL LETTER

Commissioner for Patents
Washington, DC 20231

Sir:

Enclosed are Seventeen (17) sheets of Formal Drawings to replace the originally-filed drawings of the application.

Respectfully submitted,

Date: May 28, 2002

By: _____
Raymond J. Vivacqua
Reg. No. 45,369
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610
(734) 302-6000

COPY OF PAPERS ORIGINALLY FILED

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

OIPE JUN 06 2002 PATENT & TRADEMARK OFFICE

APPLICATION NUMBER	FILING RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/061,599	02/01/2002	Peter Joseph Sinkunas	10541-432

CONFIRMATION NO. 9688

Steven L. Oberholtzer
BRINKS HOFER GILSON & LIONE
P.O. Box 10395
Chicago, IL 60610

BRINKS HOFER GILSON & LIONE RECEIVED MAR 07 2002 RECEIVED SATELLITE U.S. DOCKET

FORMALITIES LETTER

OC000000007546386

Date Mailed: 02/27/2002

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 unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of $130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is $ 130.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
  - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

6/11/2002 BABRAHA1 00000066 061500 10061599
01 FC:105 130.00 CH

A copy of this notice MUST be returned with the reply.

Customer Service Center

Initial Patent Examination Div (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

Stattler Johansen & Adeli
P.O. Box 51860
Palo Alto, CA 94303

COPY MAILED

MAR 0 5 2004

OFFICE OF PETITIONS

In re Application of
Steven Teig, et. al.
Application No. 10/061,641
Filed: January 31, 2002
Attorney Docket No. SPLX.P0079

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed February 24, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure to reply in a timely manner to the Notice to File Corrected Application Papers (Notice) mailed March 1, 2002. 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) was obtained. Accordingly, the above-identified application became abandoned after midnight May 1, 2002.

In response to the Notice to File Corrected Application Papers, petitioner submitted with the instant petition $1,330 for the petition to revive fee, and fifty-nine (59) sheets of drawings containing Figures 1-83.

Since the requirements for a grantable petition have been met, the petition is **GRANTED**.

The application file is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this decision should be directed to Andrea Smith at (703) 308-6711.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MAIL

EDWARDS ANGELL PALMER & DODGE LLP
P.O. BOX 55874
BOSTON MA 02205

MAR 30 2007
DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
TANAKA, FUJIO, et al.
Application No. 10/061,645
Filed: February 01, 2002
For: **SMALL-SIZED IMAGE PICKUP DEVICE HAVING A SOLID-STATE IMAGE PICKUP ELEMENT AND A LENS HOLDER MOUNTED ON OPPOSITE SIDES OF A TRANSPARENT SUBSTRATE**

SUA SPONTE
DECISION WITHDRAWING
HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A Notice of Allowance and Issue Fee(s) Due communication was mailed on March 27, 2006 setting a shortened statutory period of 3 months for filing the issue fee. A response (i.e., payment of the issue fee) to the outstanding Notice of Allowance and Issue Fee(s) Due has been received on December 8, 2006. A Notice of Abandonment was mailed on December 21, 2006.

A review of the file record indicates that the Notice of Allowance and Issue Fee(s) Due communication was returned to the Office on April 3, 2006. Therefore, there is evidence in the application that applicant did not receive the Notice of Allowance and Issue Fee(s) Due communication.

Accordingly, although no petition or request to withdraw the holding of abandonment has been filed, the holding of abandonment is hereby vacated and the Notice of Allowance and Issue Fee(s) Due initially mailed March 27, 2006 is hereby vacated.

The application is being forwarded to the Technology Center's technical support staff for preparing a new Notice of Allowance and Issue Fee(s) Due. Given that applicants did not receive the Notice of Allowance and Issue Fee(s) Due, it is presumed that they also did not receive a copy of the Notice of Allowability and Examiner's comments on reasons for allowance. Copies will be attached to the new Notice of Allowance and Issue Fee(s) Due communication. The time period for payment of the issue fee will be reset to run three months from the mailing of the new Notice. Since the issue fee was received on December 8 2006, in response to the new Notice of Allowance and Fee Due communication, applicant may request the previously paid fee from the prior communication be applied to the current communication.

Michael Horabik
Quality Assurance Specialist
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 14

Milivoje Brkovic, Vice President, R&D
di/ti, Inc.
1822 Aston Avenue
Carlsbad, CA 92008

FEB 18 2005

In re Application of:
Milivoje Brkovic
Serial No.: 10/061,662
Filed: February 1, 2002
For: ISOLATED DRIVE CIRCUITRY USED IN SWITCH-MODE POWER CONVERTERS

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the petition under 37 C.F.R. § 1.181, filed February 24, 2003, and resubmitted October 29, 2003 and August 19, 2004, to withdraw the holding of abandonment of the above-identified application or, in the alternative, to revive the application under 37 C.F.R. § 1.137(b).[1]

The petition under 37 CFR § 1.181 is DENIED.

This application was held abandoned for failure to pay the required issue fee and publication fee within the statutory period of three months from the mailing date of December 10, 2002, of the Notice of Allowance and Fee(s) Due (Notice of Allowance). A Notice of Abandonment was mailed on January 29, 2003.

Petitioner states that the Notice of Allowance was never received and attests to the fact that a search of the file jacket and docket records indicates that the Notice of Allowance was not received. The petition includes a copy of the docket record where the non-received Notice of Allowance would have been entered had it been received and docketed. Petitioner requests that the holding of abandonment be withdrawn and a new Notice of Allowance be mailed. Petitioner asserts that a new Power of Attorney was filed with the response to the non-final Office action

[1]This decision addresses the petition to withdraw the holding of abandonment only. A decision on the alternative petition to revive under 37 C.F.R. § 1.137 (b) will be addressed by the Office of the Deputy Commissioner for Patent Examination Policy, Office of Petitions.

on August 14, 2002, and the Power of Attorney requested a change of address. Petitioner further asserts that upon contacting the examiner by telephone on February 11, 2003, Mr. Joseph A. Geller, a registered attorney, was informed that a "Power of Attorney form that transmitted our address at Lowenstein Sandler PC, 65 Livingston Avenue, Roseland, NJ 07068 was received by the PTO and entered into the PALM system on August 26, 2002. Examiner indicated that it was likely that the Notice of Allowance was not sent to our address." A copy of the Power of Attorney was attached to the petition.

A review of the file record indicates that the Notice of Allowance was mailed to the correspondence address provided in the Request for Withdrawal as Attorney or Agent (hereinafter "Request"), form PTO/SB/83 (08-00), submitted by Lawrence A. Maxham on August 9, 2002, and entered into the file on August 26, 2002. The address of record was changed to Milivoje S. Brkovic, Vice President, R&D, Chief Designer, di/dt Inc., 1822 Aston Avenue, Carlsbad, CA 92008, pursuant to the Request.

The file record fails to reveal that a new Power of Attorney was received along with the amendment filed via a Certificate of Mailing under 37 C.F.R. § 1.8(a) dated August 14, 2002, and received in the PTO on August 19, 2002. Petitioner has not provided evidence to support the assertion that a new Power of Attorney was in fact submitted with the response dated August 14, 2002. Further, the one-page copy of the new Power of Attorney submitted with the petition does not appear to have been properly executed to be acceptable. The person signing the new Power of Attorney did not establish under 37 C.F.R. § 3.73(b) that he was authorized to act on behalf of the assignee.

The file record indicates no irregularity in the mailing of the Notice of Allowance, and in the absence of any irregularity, there is a strong presumption that the Notice of Allowance was properly mailed to the correspondence address of record. This presumption may be overcome by a showing that the Office communication was not received at the correspondence address of record. Consequently, petitioner must establish that the Notice of Allowance was not received at the correspondence address provided when the original attorney of record withdrew.

The showing of record establishes only that the petitioner did not receive the Notice of Allowance at the petitioner's current address. However, the Notice of Allowance was not mailed to the petitioner's current address. Rather the Notice of Allowance was mailed to the correspondence address in Carlsbad, California. As such, it is immaterial that the petitioner has demonstrated that the Notice of Allowance was not received at his current location. Petitioner must establish that the Notice of Allowance was not received at the correspondence address provided in the Declaration. Since the petitioner has not made the requisite showing of non-receipt at the address of record at the time of the mailing of the Notice of Allowance, the holding of abandonment is deemed proper. The petition to withdraw the holding of abandonment must be denied.

Any inquiry regarding this decision should be directed to Hien H. Phan, Special Program Examiner, at (571) 272-1606.

The application file is being forwarded to the Office of Petitions for considering the alternative petition to revive under 37 C.F.R. § 1.137(b).

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

Cc: GLEN E. BOOKS, ESQ.
LOWENSTEIN SANDLER PC
65 LIVINGSTON AVENUE
ROSELAND, NJ 07068

UNITED STATES PATENT AND TRADEMARK OFFICE

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

POLSTER LIEDER WOODRUFF & LUCCHESI
12412 POWERSCOURT DRIVE, SUITE 200
ST. LOUIS, MO 63131-3615

In re Application of	:
Milivoje S. Brkovic	:
Application No. 10/061,662	: DECISION GRANTING PETITION
Filed: February 1, 2002	: UNDER 37 CFR 1.137(b)
Attorney Docket No. 2646-002 LAM	:

This is a decision on the petition under 37 CFR 1.137(b), filed February 24, 2003 and supplemented on April 11, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue and publication fees on or before December 10, 2002 as required by the Notice of Allowance and Fee(s) Due, mailed September 10, 2002.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the issue and publication fees are accepted as having been unintentionally delayed.

In view of the statement accompanying the petition that this application is no longer entitled to small entity status, small entity status has been removed. All future fees paid in this case must now be paid at the large entity rate.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Petitioner has filed with the petition a request for continued examination under 37 CFR 1.114 and an Information Disclosure Statement. Accordingly, this matter is being referred to Technology Center AU 2838 for processing the RCE and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Feb9\061662.wpd

UNITED STATES PATENT
AND TRADEMARK OFFICE

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

Date Mailed: April 13, 2009
Patent No. :6,711,655 B1
Ser. No. :10/061668
Inventor(s) :Oscar Rodriguez, et al.
Title :FINDING AVAILABLE MEMORY SPACE BY FINDING ITS ASSOCIATED MEMORY TRANSFER CONTROLLER

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 116

Thomas Schneck
Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005

MD/mt

FAX MESSAGE FROM:

Law Offices of
SCHNECK & SCHNECK
P.O. Box 2-E
80 S. Market Street
Third Floor
San Jose, CA 95109-0005

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TELEPHONE:(408) 297-9733
FAX:(408) 297-9748
EMAIL: WEBMAIL@PATENTVALLEY.COM

DATE: May 5, 2009

TO: U.S. Patent & Trademark Office

ATTN: Office of Petitions

FAX NO.: 571/273-8300

REF.: U.S. Patent Applications

THIS MESSAGE CONSISTS OF
THIS COVER SHEET PLUS 17 OTHER PAGES

To Sir or Madam:

The attached Petition for Certificate of Correction is being submitted for the below-identified patent application. If you have any questions please call our office.

U.S. Patent No. 6,647,450 - USSN 09/680,652 - our ref: CRA-001
U.S. Patent No. 6,738,837 - USSN 10/062,111 - our ref: CRA-015
U.S. Patent No. 6,708,259 - USSN 10/061,543 - our ref: CRA-019
U.S. Patent No. 6,912,673 - USSN 10/062,381 - our ref: CRA-007
U.S. Patent No. 6,874,049 - USSN 10/061,544 - our ref: CRA-016
U.S. Patent No. 6,711,655 - USSN 10/061,668 - our ref: CRA-008

Thanks,

Sally Azevedo, Patent Secretary
sally@patentvalley.com
Law Offices of Schneck & Schneck

Confidentiality Note

This facsimile may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and destroy all copies.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: David C. Wyland
Serial No.: 10/061,668
Filed: February 1, 2002
Confirmation No.: 9590
U.S. Patent: 6,711,655

PATENT
Group Art Unit: 2188
Examiner: K. Verbrugge
Atty. Docket No.: CRA-008
Granted: March 23, 2004

For: FINDING AVAILABLE MEMORY SPACE BY FINDING ITS ASSOCIATED MEMORY TRANSFER CONTROLLER

Petition for Certificate of Correction
of U.S. Patent No. 6,711,655
for Applicant's Mistake (37 CFR § 1.323)
37 C.F.R. 3.81(b)

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

Sir or Madam:

This is a re-submission for a Certificate of Correction for the above-identified patent. The prior submission did not include a Petition which is now provided. A copy of the USPTO refusal is enclosed.

The following error appears in the above-identified patent and are of such a nature as to justify the issuance of a Certificate of Correction.

1. The assignee's name was inadvertently incorrectly identified as Cradle Technologies, Inc. on the face of U.S. Patent No. 6,711,655 in the appropriate space for specifying the assignee, (item 3 of the Fee(s) Transmittal Form PTOL-85B) submitted in this application on January 27, 2004.

05/06/2009 HMARZI1 00000045 190590 10061668
01 FC:1464 130.00 DA
PAGE 2/18 * RCVD AT 5/5/2009 5:22:00 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/39 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-50

2. Applicant requests the above-identified patent be corrected by Certificate of Correction to correct the name of the assignee as follows:

Cradle Technologies

3. The assignment of this application has been recorded, pursuant to 37 CFR § 3.11 before the issuance of the patent, on March 4, 2002, Reel 012667, Frame 0324 in favor of Cradle Technologies. A copy of the Notice of Recordation of Assignment Document is enclosed.

4. Included herewith is a request for a Certificate of Correction under 37 CFR § 1.323. The fee of $100 set forth in 37 CFR § 1.20(a) was previously paid in the prior Certificate of Correction submission which was refused. Please charge the processing fee set forth in 37 CFR 1.117(h) amounting to $130 to deposit account no. 19-0590. Charge any additional fees required by this paper or credit any overpayment to deposit account no. 19-0590.

5. Statement under 37 CFR § 3.73(b). The assignee is taking action to correct its name as owner of the patent as established by the assignment from the inventor identified in paragraph 3 above with reel and frame number. The undersigned is authorized to act on behalf of the assignee.

If this Petition is granted please forward the file to the Certificate of Corrections Branch. The Branch is requested to issue a Certificate of Correction, Form PTO 1050.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to no. (571)273-8300 Attn: Office of Petitions on the date shown below.

Signed: Sally Arevedo

Typed Name: Sally Arevedo

Date: May 5, 2009

Respectfully submitted,

Thomas Schneck

Thomas Schneck
Reg. No. 24,518
Attorney for Applicant

Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005
(408) 297-9733

PAGE 3/18 * RCVD AT 5/5/2009 5:22:00 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/39 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-50

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Commissioner for Patents
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www.uspto.g

Date Mailed: April 13, 2009
Patent No. :6,711,655 B1
Ser. No. :10/061668
Inventor(s) :Oscar Rodriguez, et al.
Title :FINDING AVAILABLE MEMORY SPACE BY FINDING ITS ASSOCIATED MEMORY TRANSFER CONTROLLER

Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481)*. This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

Best Available Copy

By hand: Customer Service Window
Mail Stop Petitions
Randolph Building
401 Dulany Street
Alexandria, VA 22314

By fax: (571) 273-0025
ATTN: Office of Petitions

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, no additional fee is required.

Magdalene Talley
For Mary F. Diggs, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 116

Thomas Schneck
Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005

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MAY 08, 2002 PTAS

LAW OFFICES OF THOMAS SCHNECK
THOMAS SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

102018251A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/04/2002
REEL/FRAME: 012667/0324
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
WYLAND, DAVID C.
DOC DATE: 01/30/2002

ASSIGNEE:
CRADLE TECHNOLOGIES
3130 WEST WARREN AVENUE
FREMONT, CALIFORNIA 94538

SERIAL NUMBER: 10061668
PATENT NUMBER:
FILING DATE: 02/01/2002
ISSUE DATE:

ANTIONE ROYALL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

FORM PTO-1619A
Expires 06/30/99
OMB 0651-0027

03-15-2002

102018251

RECORDATION FORM COVER SHEET
PATENTS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

[X] New 3-4-02

[ ] Resubmission (Non-Recordation) Document ID#

[ ] Correction of PTO Error Reel # Frame #

[ ] Corrective Document Reel # Frame #

Conveyance Type

[X] Assignment [ ] Security Agreement

[ ] License [ ] Change of Name

[ ] Merger [ ] Other

U.S. Government
(For Use ONLY by U.S. Government Agencies)
[ ] Departmental File [ ] Secret File

Conveying Party(ies)

[ ] Mark if additional names of conveying parties attached

Name (line 1) David C. Wyland

Name (line 2)

Execution Date Month Day Year: 01 30 2002

Second Party
Name (line 1)

Name (line 2)

Execution Date Month Day Year:

Receiving Party

[ ] Mark if additional names of receiving parties attached

Name (line 1) CRADLE TECHNOLOGIES

Name (line 2) a California corporation

Address (line 1) 3130 West Warren Avenue

Address (line 2)

Address (line 3) Fremont (City) California (State/Country) 94538 (Zip Code)

[ ] If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. *(Designation must be a separate document from Assignment.)*

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name

Address (line 1)

Address (line 2)

Address (line 3)

Address (line 4)

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03/14/2002 LMUELLER 00000114 10061668
01 FC:581 40.00 OP

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments , Washington, D.C. 20231

FORM PTO-1619B
Expires 06/30/99
OMB 0651-0027

Page 2

U.S. Department of Commerce
Patent and Trademark Office
PATENT

Correspondent Name and Address Area Code and Telephone Number (408) 297-9733

Name: Thomas Schneck

Address (line 1): Law Offices of Thomas Schneck

Address (line 2): P.O. Box 2-E

Address (line 3): San Jose, CA 95109-0005

Address (line 4):

Pages Enter the total number of pages of the attached conveyance document including any attachments. # 6

Application Number(s) or Patent Number(s) ☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)	Patent Number(s)
10/061,668	

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor. Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number only if a U.S. Application Number has not been assigned.

PCT PCT PCT

PCT PCT PCT

Number of Properties Enter the total number of properties involved. # 1

Fee Amount Fee Amount for Properties Listed (37 CFR 3.41): $ 40.00

Method of Payment: Enclosed ☒ Deposit Account ☐

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: # 19-0590

Authorization to charge additional fees: Yes ☒ No ☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Thomas Schneck	Thomas Schneck	February 22, 2002
Name of Person Signing	Signature	Date

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ASSIGNMENT

WHEREAS, the undersigned, DAVID C. WYLAND, having an address of 15213 Bowden Court, Morgan Hill, County of Santa Clara, State of California 95037 (hereinafter termed Assignor) has invented certain new and useful improvements in an invention entitled: MEMORY TRANSFER ENGINE WITH INDEX ADDRESSING SYSTEM; the undersigned Assignor hereby authorizes and requests that the serial number and filing date of said patent application be entered herein by the attorney in charge of the application, as soon as such information is known:

Serial No. 10/061,668

Filed: February 1, 2002

WHEREAS, CRADLE TECHNOLOGIES, a corporation of the State of California, having an address of 3130 West Warren Avenue, Fremont, California 94538 (hereinafter termed Assignee) is desirous of acquiring the entire right, title and interest in and to said application and said invention and improvements thereon, and in and to Letters Patent thereon when granted in the United States and foreign countries;

NOW, THEREFORE, in consideration of the sum of One Dollar ($1.00) and for other good and valuable consideration received by said Assignor from said Assignee, the receipt and sufficiency of which in full are hereby acknowledged by said Assignor:

1. Said Assignor does hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest in and to said application and said invention and in and to any and all improvements on said invention heretofore or hereafter made or acquired by said Assignor; and in and to any and all Letters Patent on said invention and/or said improvements that may be granted in the United States or any foreign country, including each and every Letters Patent granted on any application which is a division, continuation, substitution, renewal, or continuation-in-part of any of said application specifically identified herein, and in and to each and every reissue or extension of said Letters Patent.

2. Said Assignor hereby covenants and agrees to cooperate with said Assignee whereby said Assignee may enjoy to the fullest extent the right, title and interest herein conveyed. Such cooperation shall include (a) prompt execution of all papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee to perfect in it the right, title and interest herein conveyed; (b) prompt execution of all petitions, oaths, specifications or other papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee for prosecuting said application, for filing and prosecuting divisional, continuation, substitution, renewal, continuation-in-part, or additional applications in the United States and/or foreign countries covering said invention and/or said improve-

PAGE 10/18 * RCVD AT 5/5/2009 5:22:00 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/39 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-50

ments, for filing and prosecuting applications for reissuance of Letters Patent included herein, or for interference proceedings involving said invention and/or said improvements; (c) prompt assistance and cooperation in the prosecution of interference proceedings involving said invention and/or said improvements and in the adjudication of said Letters Patent, particularly by the disclosure of facts and the production of evidence relating to said invention and/or said improvements, provided the expenses which may be incurred by said Assignor in lending such assistance and cooperation shall be paid by the Assignee.

3. The terms, covenants and conditions of this assignment shall inure to the benefit of said Assignee, its successors, assigns and/or other legal representatives, and shall be binding upon said Assignor, his heirs, legal representatives and assigns.

4. Said Assignor hereby warrants and represents that he has not entered into any assignment, contract or understanding in conflict herewith.

IN WITNESS WHEREOF, this said Assignor has executed and delivered this instrument this 26th day of January, 2002.

DAVID C. WYLAND

PAGE 11/18 * RCVD AT 5/5/2009 5:22:00 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/39 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-50

County of Santa Clara)
)
State of California)

On 2nd January 2002, before me, Babul Sheth,
personally appeared DAVID C. WYLAND, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

BABUL K. SHETH
COMM # 1188397
NOTARY PUBLIC - CALIFORNIA
SAN MATEO COUNTY
My Comm. Exp. June 27 2002

WITNESS my hand and official seal.

Signature Babul K. Sheth (Seal)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: David C. Wyland
Serial No.: 10/061,668
Filed: February 1, 2002
Confirmation No.: 9590
U.S. Patent: 6,711,655

PATENT
Group Art Unit: 2188
Examiner: K. Verbrugge
Atty. Docket No.: CRA-008
Granted: March 23, 2004

For: FINDING AVAILABLE MEMORY SPACE BY FINDING ITS ASSOCIATED MEMORY TRANSFER CONTROLLER

Request for Certificate of Correction
of U.S. Patent No. 6,711,655
for Applicant's Mistake (37 CFR § 1.323)

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

Sir or Madam:

The following error appears in the above-identified patent and are of such a nature as to justify the issuance of a Certificate of Correction.

1. The assignee's name was incorrectly identified as Cradle Technologies, Inc. on the face of U.S. Patent No. 6,711,655 in the appropriate space for specifying the assignee, (item 3 of the Fee(s) Transmittal Form PTOL-85B) submitted in this application on January 27, 2004.

2. Applicant requests the above-identified patent be corrected by Certificate of Correction to correct the name of the assignee as follows:

Cradle Technologies

PAGE 13/18 * RCVD AT 5/5/2009 5:22:00 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/39 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-50

3. The assignment of this application was been recorded, pursuant to 37 CFR § 3.11 before the issuance of the patent, on March 4, 2002, Reel 012667, Frame 0324 in favor of Cradle Technologies.

4. Included herewith is a request for a Certificate of Correction under 37 CFR § 1.323 along with the fee of $100 set forth in 37 CFR § 1.20(a). Charge any additional fees required by this paper or credit any overpayment to deposit account no. 19-0590.

5. Statement under 37 CFR § 3.73(b). The assignee is taking action to correct its name as owner of the patent as established by the assignment from the inventor identified in paragraph 3 above with reel and frame number. The undersigned is authorized to act on behalf of the assignee.

Please issue a Certificate of Correction, Form PTO 1050.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the office electronic filing system in accordance with § 1.6(a)(4) on the date shown below.

Signed: Sally Azevedo
Typed Name: Sally Azevedo

Date: April 3, 2009

Respectfully submitted,

Thomas Schneck
Reg. No. 24,518
Attorney for Applicant

Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005
(408) 297-9733

PAGE 14/18 * RCVD AT 5/5/2009 5:22:00 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/39 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-50

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 : 6,711,655 B1
DATED : March 23, 2004
INVENTOR(S) : David C. Wyland

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

Cover page at Item (73) Assignee reads "Cradle Technologies, Inc.", should read:
--- Cradle Technologies ---.

MAILING ADDRESS OF SENDER: Thomas Schneck
Law Offices of Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005

PATENT NO. 6,711,655 B1

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.

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EFS ID:	5096768
Application Number:	10061668
International Application Number:	
Confirmation Number:	9590
Title of Invention:	MEMORY TRANSFER ENGINE WITH INDEX ADDRESSING SYSTEM
First Named Inventor/Applicant Name:	David C. Wyland
Correspondence Address:	Law Offices of Thomas Schneck - P.O. Box 2-E - San Jose CA 95109-0005 US 4082979733 -
Filer:	Thomas Schneck/Sally Azevedo
Filer Authorized By:	Thomas Schneck
Attorney Docket Number:	CRA-008
Receipt Date:	03-APR-2009
Filing Date:	01-FEB-2002
Time Stamp:	19:22:38
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$100

RAM confirmation Number	4525
Deposit Account	190590
Authorized User	SCHNECK,THOMAS

The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows:

Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	CRA-008RequestCorr.pdf	147555 de6d11aa20a0c9db27aef445ca60c5300160b066	no	3
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	29778 ce0552f153196c3aeu300e0a1f72a3b5aa848440	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	177333		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

United States Patent & Trademark Office

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Expires	11/2011
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ZIP/Postal Code	95109
Telephone Number	4082979733

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JUN 21 2004

OFFICE OF THE DIRECTOR
TC 3600

MARSHALL, GERSTEIN & BORUN LLP
6300 SEARS TOWER
233 S. WACKER DRIVE
CHICAGO IL 60606

In re application of :
Yasuhiro Kuji et al. :
Application No. 10/061,669 : DECISION ON PETITION
Filed: February 1, 2002 : TO RESET A PERIOD
For: STRADDLE-TYPE FOUR WHEELED : FOR REPLY
ALL TERRAIN VEHICLE

This is in reply to the Petition to Reset Time Period, received in the Patent and Trademark Office on February 24, 2004. There is no fee required for this petition.

The petition is **GRANTED.**

A Notice of Allowance and Fee(s) Due was mailed on October 21, 2003, setting forth a three-month response period. Petitioner states that the above Notice was not received until February 11, 2004 and that the response period had already expired.

In accordance with MPEP 710.06, the Office will grant a petition to reset the period for reply when the following criteria are met: (A) the petition is filed within 2 weeks of the date of receipt of the Office action at the correspondence address; (B) a substantial portion of the set reply period had elapsed on the date of receipt (e.g. at least 1 month of a 2- or 3- month reply period had elapsed); 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 of the Office action at the correspondence address and explaining how the evidence being presented establishes the date of receipt.

The petition meets all of the above requirements.

The time period set in the Notice of Allowance is therefore reset to run three months from the postmark date of February 11, 2004. The application will be returned to the Post-Examination Area to await applicant's payment of the Issue Fee.

SUMMARY: The Petition to Reset Time Period is **GRANTED**.

Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(703) 308-3868

SNM/mjz: 5/28/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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Rosenberg, Klein & Lee
3458 Ellicott Center Drive-Suite 101
Ellicott City MD 21043

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NOV 21 2006

OFFICE OF PETITIONS

In re Application of :
Fischell et al. :
Application No. 10/061,679 : ON PETITION
Filed: February 4, 2002 :
Title: Methods For Detection and Treatment of Cardiac Events

This is a decision on the petition under 37 CFR 1.137(b), filed September 14, 2006, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a reply to the non-final Office Action of September 24, 2004. The non-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 December 25, 2004. A Notice of Abandonment was mailed on April 5, 2005.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

This petition is hereby **Granted**.

The office hereby acknowledges the receipt of the Amendment submitted with the instant petition.

This application is being forwarded to Technology Center 3700 for further processing.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3215.

Charlema R. Grant
Petitions Attorney
Office of Petitions

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Paper No. 8

STATTLER JOHANSEN & ADELI
P O BOX 51860
PALO ALTO CA 94303

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OFFICE OF PETITIONS

In re Application of :
Teig, et al. :
Application No. 10/061,719 : ON PETITION
Filed: January 31, 2002 :
Attorney Docket No. SPLX.P0098 :

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed June 6, 2003 (supplemented by facsimile transmission on June 24, 2003).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an international application filed on January 31, 2003. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the international 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.

The application file is being forwarded to Technology Center 2100, Group Art Unit 2123, for examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
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)
6723233	2004-04-20	10061752	2002-02-01	08-0116.33

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

SMALL ENTITY

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

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Steven M. Clodfelter/	Date (YYYY-MM-DD)	2008-10-07
Name	Steven M. Clodfelter	Registration Number	34564

This collection of information is required by 37 CFR 1.378(c). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/ or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **This form can only be used when in conjunction with EFS-Web. If this form is mailed to the USPTO, it may cause delays in reinstating the patent.**

Privacy Act Statement

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

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

1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether the Freedom of Information Act requires disclosure of these 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
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In re Patent No. 6723233
Issue Date: April 20,2004
Application No. 10061752
Filed: February 1,2002
Attorney Docket No. BARNESCIP6

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

This is a decision on the electronic petition, filed October 7,2008 ,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 October 7,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
Washington, D.C. 20231
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ROBERT P. RENKE
ARTZ & ARTZ P.C.
SUITE 250
28333 TELEGRAPH ROAD
SOUTHFIELD, MICHIGAN 48034

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AUG 2 4 2005

OFFICE OF PETITIONS

In re Application of :
Andy Rosa :
Application No. 10/061,758 : DECISION ON PETITION
Filed: February 1, 2002 : 37 CFR 1.137(b)
Attorney Docket No. ROSA 0105 PUS :

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

The petition is **GRANTED**.

This application became abandoned for failure to submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due/Notice of Allowability mailed December 3, 2004, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on March 4, 2005. No Notice of Abandonment was mailed to the above-identified addressee.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR §1.137(b) in that (1) the issue fee ($700) and publication fee ($300) at the time of filing the petition; (2) the petition fee of $750.00 (for a small entity) at the time of filing the petition; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of Allowance mailed is accepted as having been unintentionally delayed.

This matter is being referred to the Office of Patent Publications to be processed into a patent.

Telephone inquiries concerning this decision should be directed to Angela Ortiz at (571) 272-6051, or in her absence, the undersigned at (571) 272-3217.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Pap r No.:20060818

DATE : August 18, 2006

TO SPE OF : ART UNIT 1714

SUBJECT : Request for Certificate of Correction on Patent No.: US 7,022,147 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:
C rtificates 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:

Note that the extensive changes are fully supported by the specification set forth in the Preliminary amendment filed 2/1/02. It appears that the printer did not work off that amendment.

Vasu Jagannathan

SPE: Vasu Jagannathan **Art Unit** 1714

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Paper No. 13

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OFFICE OF PETITIONS

In re Application of :
Melanie K. Anderson, et al. :
Application No. 10/061,794 : ON PETITION
Filed: February 1, 2002 :
Attorney Docket No. 11610.02 :

This is a decision on the petition under 37 CFR 1.137(b), filed July 15, 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 16, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the application became abandoned at midnight on January 16, 2004.

The application file is being forwarded to Technology Center 3700, Art Unit 3713 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-5594.

Retta Williams

Retta Williams
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

04-07-04 EV369764479

PATENT APPLICATION

ATTORNEY DOCKET NO. 10015451-1

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Rivas et al.

Confirmation No.: 9528

Application No.: 10/061,828

Examiner: Heinrich

Filing Date: 01-31-2002

Group Art Unit: 2853

Title: Slotted Substrates and Methods and Systems for Forming Same

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Mail Stop Petition
Commissioner For Patents
PO Box 1450
Alexandria, VA 22313-1450

PETITION FOR WITHDRAWAL OF ABANDONMENT

Sir:

1. Applicant petitions that the abandonment set forth in the notice mailed by the office on **02-27-2004** be withdrawn.

2. Submitted herewith is:

   (**X**) A copy of the page of the response mailed on **12-19-2003** showing a Certificate of Mailing executed on **12-19-2003**.
   (**X**) A copy of the post card identifying the papers filed and showing the U.S. PTO receipt stamp dated **12-19-2003**.
   (**X**) A copy of the complete response previously filed.
   ( ) A copy of the attorney's Deposit Account Statement in which the item corresponding to the response referred to above is checked.

3. Please proceed with further examination of this application on the basis of:
   ( ) The original papers filed, which have now reached the appropriate area of the PTO, and/or
   (**X**) The attached copy of the papers originally filed.

Please charge the required fee set forth in 37 CFR 1.17(i) of $130.00 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any over payment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

(**X**) I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, Alexandria, VA 22313-1450. Date of Deposit: **04-05-2004**

OR

( ) I hereby certify that this paper is being transmitted to the Patent and Trademark Office facsimile number_____ on _____

Number of pages:

Typed Name: **Carlin Taylor**

Signature: Carlin Taylor

Rev 10/03 (ABDWTHD)

Respectfully submitted,

Rivas et al.

By _____

Paul W. Mitchell

Attorney/Agent for Applicant(s)
Reg. No. **44,453**

Date: **04-05-2004**

Telephone No.: **(509) 324-9256**

04/08/2004 KBETEMA1 00000068 082025 10061828
01 FC:1460 130.00 DA

HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P. O. Box 272400
Fort Collins, Colorado 80527-2400

PATENT APPLICATION

ATTORNEY DOCKET NO. 10015451-1

OIPE JC25
APR 06 2004
PATENT & TRADEMARK OFFICE

IN THE
UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor(s): Rivas et al.

Confirmation No.: 9528

Application No.: 10/061,828

Examiner: Heinrich

Filing Date: 01-31-2002

Group Art Unit: 2853

Title: Slotted Substrates and Methods and Systems for Forming Same

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PO Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER FOR RESPONSE/AMENDMENT

Sir:

Transmitted herewith is/are the following in the above-identified application:

(X) Response/Amendment ( ) Petition to extend time to respond
( ) New fee as calculated below ( ) Supplemental Declaration
(X) No additional fee (Address envelope to "Mail Stop Non-Fee Amendment")
( ) Other: _____ (fee $_____)

CLAIMS AS AMENDED BY OTHER THAN A SMALL ENTITY						
(1) FOR	(2) CLAIMS REMAINING AFTER AMENDMENT	(3) NUMBER EXTRA	(4) HIGHEST NUMBER PREVIOUSLY PAID FOR	(5) PRESENT EXTRA	(6) RATE	(7) ADDITIONAL FEES
TOTAL CLAIMS		MINUS		= 0	X $18	$ 0
INDEP. CLAIMS		MINUS		= 0	X $86	$ 0
[ ] FIRST PRESENTATION OF A MULTIPLE DEPENDENT CLAIM					+ $290	$ 0
EXTENSION FEE	1ST MONTH $110.00 [ ]	2ND MONTH $420.00 [ ]	3RD MONTH $950.00 [ ]	4TH MONTH $1480.00 [ ]		$ 0
					OTHER FEES	$
					TOTAL ADDITIONAL FEE FOR THIS AMENDMENT	$ 0

Charge $ 0 to Deposit Account 08-2025. At any time during the pendency of this application, please charge any fees required or credit any overpayment to Deposit Account 08-2025 pursuant to 37 CFR 1.25. Additionally please charge any fees to Deposit Account 08-2025 under 37 CFR 1.16 through 1.21 inclusive, and any other sections in Title 37 of the Code of Federal Regulations that may regulate fees. A duplicate copy of this sheet is enclosed.

"Express Mail" label no. EL 961412101 US

Date of Deposit 12/19/2003

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to: Commissioner for Patents, Alexandria, VA 22313-1450.

By Carlin Taylor

Typed Name: Carlin Taylor

Respectfully submitted,

Rivas et al.

By _____

Paul W. Mitchell

Attorney/Agent for Applicant(s)
Reg. No. **44,453**

Date: **12/19/2003**

Telephone No.: **(509) 324-9256**

Rev 10/03 (TnAmdExp)

- Attach as First Page to Transmitted Papers -

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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QUALCOMM INCORPORATED
5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

Mail Date: 08/03/2010

Applicant	: Joseph Cheung	: DECISION ON REQUEST FOR
Patent Number	: 7649860	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Application No	: 10/061,874	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **2327** 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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 3

R. Jonathan Peters
3169 Ryf Road
Oshkosh WI 54904

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OCT 1 1 2002

OFFICE OF PETITIONS

In re Application of
Flader
Application No. 10/061,879
Filed: February 4, 2002
Attorney Docket No. N/A
For: WOODWORKING MACHINE

DECISION DISMISSING
PETITION

This is a decision on the petition under 37 CFR 1.182, filed March 28, 2002, requesting that the above-identified application be accorded a filing date of November 1, 2001. The petition will be treated under 37 CFR 1.183.

The application was received in the Patent and Trademark Office (Office) on February 4, 2002. Allegedly, the application was mailed by United States Postal Service (USPS) first class mail on October 29, 2001. Petitioner requests a filing date of November 1, 2001 because petitioner extrapolates that it should have taken three days to be delivered to the Office, if not for the fact that the correspondence was sent to Ohio for anthrax treatment which delayed delivery until February 4, 2002.

For grant of the relief sought in a petition under 37 CFR 1.183, petitioner must show (1) that this is an extraordinary situation where (2) justice requires waiver of the rule. *In re Sivertz*, 227 U.S.P.Q. 255, 256 (Comm'r Pat. 1985).

Typically, a non-provisional application's filing date is the date upon which a specification, at least one claim, and drawings (if required) are filed in the Office. 37 CFR 1.53(b). This is the default rule. However, Public Law 97-247, 96 Stat. 317 (1982), amended 35 U.S.C. § 21 to permit, but not require, the Office to prescribe that any paper or fee required to be filed in the PTO be considered filed in the PTO on the date on which it was deposited with the USPS. While 35 U.S.C. 21 grants the Director the authority to consider any paper or fee filed in the PTO on the date the paper or fee was deposited with the USPS, the Director has specifically refused to exercise that authority in favor of mail other than Express Mail. Express Mail receives preferential treatment over all other types of mail. A paper filed in compliance with 37 CFR 1.10 will be considered as filed on the date the paper was deposited with the USPS in Express Mail service. Applications filed by types of mail other than Express Mail receive a filing date as of receipt in the Office.

The "extraordinary circumstances" rationale does not apply in petitioner's situation because petitioner could have filed the application via Express Mail service. Circumstances resulting from applicant's failure to exercise due care, or lack of knowledge of, or failure to properly apply, the patent statutes or rules of practice are not, in any event, extraordinary circumstances where the interests of justice require the granting of extraordinary relief. *See In re Tetrafluor, Inc.*, 17 USPQ2d 1160, 1162 (Comm'r Pats. 1990); *In re Bird & Son, Inc.* 195 USPQ 586, 588 (Comm'r Pats. 1977); *Huston v. Ladner*, 23 USPQ2d 1910 (Fed. Cir. 1992); *Vincent v. Mossinghoff*, 230 USPQ 621, 625 (D.D.C. 1985). A party's failure to comply with the requirements of Rule 10 is not an extraordinary circumstance that would warrant waiver. *See Honigsbaum v. Lehman*, 903 F. Supp. 8, 37 USPQ2d 1799 (D.D.C. 1995); *Nitto Chemical Industry Co., Ltd. v. Comer*, 39 USPQ2d 1778, 1782 (D.D.C. 1994).

A reasonable person acting with due care and diligence would have filed the application in compliance with 37 CFR 1.10 to ensure its timely filing in the PTO. *Krahn v. Commissioner of Patents and Trademarks*, 15 U.S.P.Q.2d (BNA) 1823 (E.D. Va. 1990).

Accordingly, the petition is **dismissed**.

The application is being forwarded to Technology Center 3700 with the presently accorded filing date of February 4, 2002 for examination in due course.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 3

Susan B. Fentress
Butler, Snow, O'Mara, Stevens & Cannada PLLC
Post Office Box 171443
Memphis, Tennessee 38187

SEP 27 2002

In re Application of
Mark B. Hodes
Application No. 10/061,891
Filed: October 26, 2001
Docket No. 023987.43009

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 26, 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 request was signed by Susan B. Fentress on the behalf of all the attorneys of record.

The request is APPROVED.

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

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Optical and Electrical
Systems and Components

cc: Mark B. Hodes
5350 Poplar Avenue
Suite 750
Memphis, TN 38119

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

Paper No. 032204

Mark B. Hodes
5350 Poplar Avenue
Suite 750
Memphis, TN 38119

Todd B. Murrah
26 North Second Street
Memphis, TN 38103

In re Application of	)	
Mark B. Hodes	)	
Application No. 10/061,891	)	DECISION ON REQUEST TO
Filed: October 26, 2001	)	WITHDRAW FROM RECORD
For: Attorney Docket No. 023987.43009	)	

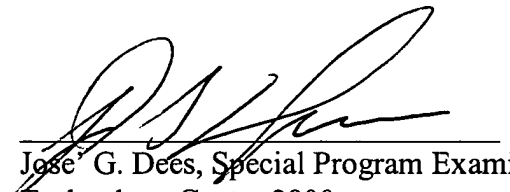
This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed November 17, 2003.

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 request meets all the above listed requirements.

The request is APPROVED.

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



Jose G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: Christopher Lamberson, Esq.
Glanker Brown, PLLC
One Commerce Square, Suite 1700
Memphis, TN 38103-2566

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

Mail Date: 04/20/2010

Applicant	: Thomas J. Carter III	: DECISION ON REQUEST FOR
Patent Number	: 7584155	: RECALCULATION of PATENT
Issue Date	: 09/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/061,896	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/01/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

The Request for Recalculation is **GRANTED** to the extent indicated.

The patent term adjustment has been determined to be **1403** 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.

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HAMILTON & TERRILE, LLP
P.O. BOX 203518
AUSTIN, TX 78720

Mail Date: 05/17/2010

Applicant	: Thomas J. Carter III	: NOTICE CONCERNING IMPROPER
Patent Number	: 7584155	: CALCULATION OF PATENT TERM
Issue Date	: 09/01/2009	: ADJUSTMENT BASED UPON USPTO
Application No	: 10/061,896	: IMPROPERLY MEASURING REDUCTION
Filed	: 02/01/2002	: 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 **1443** 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).

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OFFICE OF PETITIONS

In re Application of :
Richard Calderwood :
Application No. 10/061,907 : ON PETITION
Filed: February 1, 2002 :
Attorney Docket No. 42390P14128 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 5, 2008, to revive the above-identified application.

The petition is **GRANTED**.

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 June 11, 2007 (certificate of mailing June 8, 2007), 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. Accordingly, this application became abandoned on August 12, 2007. This decision precedes the mailing of a Notice of Abandonment.

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 $1540.00; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3215.

This application is being referred to Technology Center AU 2622 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.

Charlema Grant
Petitions Attorney
Office of Petitions

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WASHINGTON, D.C. 20231
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Davis & Bujold
Fourth Floor
500 N. Commercial Street
Manchester, NH 03101

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OFFICE OF PETITIONS

In re Application of :
Toshiharu Enmei :
Application No. 10/061,937 : DECISION GRANTING PETITION
Filed: October 1, 1999 :
Attorney Docket No. ADACHI P192USD1 :

This is a decision on the "Request to Assign the Above-Identified Application a Serial Number and Filing Date" filed June 11, 2001 and the "Supplemental Request" filed by facsimile on October 1, 2001, which are being treated collectively herein as a petition requesting that a Continued Prosecution Application (CPA) based upon prior application No. 08/424,430 be treated as a divisional application under 37 CFR 1.53(b), rather than under 37 CFR 1.53(d), and be accorded the date the CPA was received in the U.S. Patent and Trademark Office (Office) as the filing date.

Petitioner alleges that the divisional application papers accompanying the petition, together with a money order check for the $380.00 filing fee, were mailed from Japan on September 21, 1999 via International Express Mail Service (EMS) and were received in the U.S. Patent and Trademark Office on or before October 13, 1999 - the date the money order check was cashed.

It is noted that the divisional application papers allegedly mailed from Japan on September 21, 1999 and subsequently received in the Office include an application transmittal letter stating "[T]his application is being filed under 37 CFR 1.53(d). Enclosed is a true copy of the prior application as originally filed, including the originally filed drawings, the Declaration and the PCT documents." Petitioner requests, in effect, that this request for a CPA under 37 CFR 1.53(d), be treated as a divisional application under 37 CFR 1.53(b) including all the divisional application papers accompanying the petition, and be accorded the date the CPA was received in the U.S. Patent and Trademark Office (Office) as the filing date.

Office database records indicate that a CPA filing fee of $380.00 for an application based on prior application No. 08/424,430 was received in the Office together with correspondence referenced in the database records as "unmatched papers" relating to application No. 08/424,430. Office database records show that the check for the $380.00 CPA filing fee was processed by the Office on October 1, 1999. Accordingly, it is believed that the CPA filing fee and the paper(s) identified in Office database records as "unmatched papers" were received in the Office no later than October 1, 1999.

Unfortunately, the official file for prior application No. 08/424,430, now U.S. Patent No. 6,067,082, cannot be located to ascertain whether any papers that may have accompanied the check for $380.00 are contained therein. Further, no other paper(s) can be located that could be the "unmatched papers" referred to in Office database records.

Petitioner has not submitted a postcard receipt evidencing receipt of any continuing application papers based on prior application No. 08/424,430. The Office has a well established and well publicized practice of providing a receipt for papers filed in the Office to any applicant desiring a receipt. See section 503 of the *Manual Of Patent Examining Procedure* (MPEP 503). On January 11, 2001, in a telephone communication with USPTO Legal Advisor James Engel, counsel indicated that no postcard receipt relating to this case is available and that none would be forthcoming.

In view of the special circumstances surrounding the record as a whole, including the fact that Office records indicate that some paper(s) accompanied the check for the $380.00 CPA filing fee processed by the Office on October 1, 1999, a request for a divisional CPA based on prior application No. 08/424,430 is considered to have been filed in the Office no later than October 1, 1999. Because there is no basis for according an earlier filing date to the divisional CPA, October 1, 1999 is considered to be the actual filing date of the divisional CPA.

The application papers accompanying the petition include 122 pages of specification ending with 20 claims, one abstract page, 137 sheets of drawings ending with figure 144, a 2-page transmittal letter signed by the applicant and dated September 21, 1999, and a Preliminary Amendment (5 pages). The petition states that the specification, claims and drawings accompanying the petition are based upon a copy of the originally filed prior application. Further, the copy of the transmittal letter states that the application papers are a true copy of the prior application as originally filed. Also supplied with the petition is a copy of a Combined Declaration and Power of Attorney (3 pages) signed by the inventor on May 9, 2000 as well as a cover letter referring to "**Divisional** of Serial No. 08/424,430" and containing a certification under 37 CFR 1.8 that the Combined Declaration and Power of Attorney was mailed on May 9, 2000.

Petitioner alleges that divisional application papers identical to those supplied with the petition accompanied the check for the $380.00 CPA filing fee which was processed by the Office on October 1, 1999. There is no evidence in the petition to support this allegation. A divisional CPA request based on prior application No. 08/424,430 is considered to have been filed in the Office on October 1, 1999. As the papers intended for this application are a true copy of the prior application 08/424,430 as originally filed, there is no question as to the content of the application papers since the application papers that accompanied the petition are indicated as being a copy of the application papers as originally filed. The application papers accompanying the petition are being treated as the application papers necessary to convert the divisional CPA to a divisional application under 37 CFR 1.53(b) with a filing date of October 1, 1999.

The petition is **GRANTED** such that the divisional CPA based upon prior application No. 08/424,430 will be treated as a divisional application under 37 CFR 1.53(b) with a filing date of October 1, 1999 using the application papers supplied with the petition on June 11, 2001.

The application papers accompanying the petition have been placed in a file wrapper and assigned application No. 10/061,937. All future correspondence relating to the divisional application should be directed to application No. 10/061,937.

After mailing of this decision, the $130.00 petition fee and the $65.00 small entity surcharge under 37 CFR 1.16(e) for filing the oath or declaration on a date later than the filing date will be charged to counsel's deposit account No. 04-0213 as authorized in the petition. Also, Office records will be corrected to show that the $380.00 filing fee has been applied as the filing fee in application No. 10/061,937, not as a CPA filing fee in application No. 08/424,430.

The preliminary amendment to the specification filed October 1, 1999, will be entered in due course and must be considered by the examiner for entry of new matter not described in the application as filed. 35 USC 112, first paragraph; 35 USC 132.

The application is being forwarded to Initial Patent Examination Division for further processing as a divisional application based on prior application No. 08/424,430, with a filing date of October 1, 1999, using the copy of the prior application and the preliminary amendment supplied June 11, 2001.

Any inquiries related to this decision should be directed to Legal Advisor James Engel at (703) 308-5106.

Fred A. Silverberg
Senior Legal Advisor
Office of Patent Legal Administration
Office of the Deputy Commissioner
for Patent Examination Policy

JJE

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OFFICE OF PETITIONS

DAVIS & BUJOLD, PLLC
112 PLEASANT STREET
CONCORD, NH 03301

In re Patent No. 7,064,749 :
Issue Date: June 20, 2006 :
Application No. 10/061,937 : NOTICE
Filed: October 1, 1999 :
Attorney Docket No. PAT-1US-DIV :

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

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. None

SMART & BIGGAR
2200 - 650 WEST GEORGIA STREET
BOX 11560, VANCOUVER CENTRE
VANCOUVER BC V6B4N-8 CA CANADA

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DEC 04 2006

OFFICE OF PETITIONS

In re Application of :
Jeremy S. Lee et al. :
Application No. 10/061,979 : DECISION ON PETITION
Filed: January 31, 2002 : UNDER 37 C.F.R. §1.137(B)
Attorney Docket Number: 080129-000100US :
Title: BIOLOGICALLY ACTIVE METAL-CONTAINING NUCLEIC ACIDS :

This is a decision on the petition filed on August 7, 2006, pursuant to 37 C.F.R. §1.137(b)[1], to revive the above-identified application.

The above-identified application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Issue Fee Due, mailed, April 26, 2006, which set a shortened statutory period for reply of three months. No extensions of time are permitted for transmitting issue or publication fees[2]. Accordingly, the above-identified application became abandoned on July 27, 2006. A Notice of Abandonment was mailed on September 11, 2006.

1 A grantable petition pursuant to 37 C.F.R. 1.137(b) must be accompanied by:
(1) The reply required to the outstanding Office action or notice, unless previously filed;
(2) The petition fee as set forth in § 1.17(m);
(3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional, and;
(4) Any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to paragraph (d) of this section.

2 See MPEP §710.02(e).

With the present petition, Petitioner has submitted the petition, issue, and publication fees, along with the proper statement of unintentional delay. A terminal disclaimer is not required.

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

The Office of Patent Publication will be notified of this decision so that the present application can be processed into a patent. The Office of Patent Publication will note the "fee address indication form" which was filed with the present petition, and will further note that PALM records do not reflect that Brian G. Kingwell is an attorney or agent of record.

It is noted that the address listed on the petition differs from the address of record. The application file does not indicate a change of correspondence address has been filed in this case, although the address given on the petition differs from the address of record. If petitioner desires to receive future correspondence regarding this application, the change of correspondence address must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary. Petitioner will not receive future correspondence related to this application unless Change of Correspondence Address, Patent Form (PTO/SB/122) is submitted for the above-identified application. For petitioner's convenience, a blank Change of Correspondence Address, Patent Form (PTO/SB/122), may be found at http://www.uspto.gov/web/forms/sb0122.pdf.

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[3]. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay was intentional, petitioner must notify the Office.

---

3 See 37 CFR 10.18(b); cf. Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997).

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[4]. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

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

cc: Steven W. Parmelee
601 Union St Ste 5400
Seattle, WA 98101

4 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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600 SOUTH AVENUE WEST
WESTFIELD NJ 07090

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OFFICE OF PETITIONS

In re Application of	:	
Ken Kutaragi et al	:	
Application No. 10/061,982	:	DECISION GRANTING PETITION
Filed: February 1, 2002	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. SCEI 3.0-117	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed April 30, 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 February 13, 2008 ***cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.***[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3208.

This application is being referred to Technology Center AU 2144 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

Karen Creasy
Petitions Examiner
Office of Petitions

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment of the application.*

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CHARLES R. WOLFE, JR.
BLANK ROME LLP
600 NEW HAMPSHIRE AVENUE, N.W.
WASHINGTON, D.C. 20037

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MAR 2 3 2004

OFFICE OF PETITIONS

In re Application of :
Ian Quinn et al :
Application No. 10/061,984 : NOTICE
Filed: February 1, 2002 :
Attorney Docket No. 06250-121US

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

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

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

Inquiries related to this communication should be directed to the Office of Petitions Staff at (703) 305-9285.

This file is being forwarded to Technology Center AU 2839.

Irvin Dingle
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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DEC 03 2007

Technology Center 2100

Martin L. Stoneman
STONEMAN LAW OFFICES, LTD
3113 NORTH 3RD STREET
PHOENIX AZ 85012

In re Application of: Robin LILLY
Application No. 10/062,013
Filed: November 1, 2000
For: LOGBOOK DATABASE SYSTEM

DECISION ON PETITION UNDER 37 C.F.R. § 1.181

This is a decision on the petition filed February 23, 2006 under 37 CFR § 1.181 to invoke Supervisory Authority of the Commissioner and require the Examiner to withdraw the Final rejection mailed December 01, 2005.

The petition is **DISMISSED AS MOOT**.

RELEVANT PROSECUTION HISTORY

September 6, 2005	An amendment filed in response to a First Office action mailed April 06, 2005.
December 01, 2005	A Final rejection mailed including 1) rejections of all pending claims as amended and 2) responses to applicant's arguments.
February 23, 2006	A formal petition filed to seek relief from actions of examiner Azizul Choudhury and SPE Zarni Maung in relation to the Final Office action mailed December 1, 2005. In the petition, applicant's counsel alleged that the applicant was improperly denied an opportunity to interview the case before final action.
February 21, 2007	A notice of Abandonment mailed for failure to file a proper reply to the Final office action mailed December 02, 2005.

REGULATIONS AND PRACTICE

37 C.F.R. § 1.181states, in part:

> (c) When a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a **repeated action by the examiner**. The examiner may be directed by the Director to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.
>
> (f) The mere filing of a **petition will not stay any period for reply** that may be running against the application, nor act as a stay of other proceedings. Any petition ...

37 C.F.R. § 1.113 states, in part:

> (a) ...Reply to a final rejection or action must comply with § 1.114 or paragraph (c) of this section. For final actions in an inter partes reexamination filed under § 1.913, see § 1.953.
>
> (c) Reply to a final rejection or action must include cancellation of, or appeal from the rejection of, each rejected claim. If any claim stands allowed, the reply to a final rejection or action must comply with any requirements or objections as to form.

37 C.F.R. § 1.135 states:

> (a) If an applicant of a patent application fails to reply within the time period provided under § 1.134 and § 1.136, the application will become abandoned unless an Office action indicates otherwise.
>
> (b) Prosecution of an application to save it from abandonment pursuant to paragraph (a) of this section must include such complete and proper reply as the condition of the application may require. The admission of, or refusal to admit, any amendment after final rejection or any amendment not responsive to the last action, or any related proceedings, will not operate to save the application from abandonment.

MPEP 713.01 [R-5] III states, in part:

> "Where the reply to a first complete action includes a request for an interview, a telephone consultation to be initiated by the examiner... the examiner, as soon as he or she has considered the effect of the reply, should grant such request if it appears that the interview or consultation would result in expediting the case to final action."

DECISION

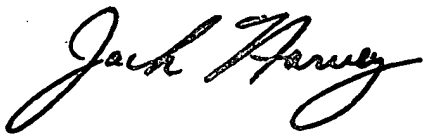
As stated in 37 C.F.R. § 1.181(f), the mere filing of a petition will not stay any period for reply that may be running against the application. A delay to render a decision on this petition is hereby regretted.

As stated in 37 C.F.R. § 1.181(c), a proper request for reconsideration (§ 1.111) must include and a repeated action by the examiner. It appears that the examiner had properly responded to the amendment filed Sept 6, 2005 by rejecting all of the pending claims as amended and responding to applicant's arguments. Note MPEP 713.01 [R-5] states an examiner should grant an interview when the request is included in a reply to a first Office action if it appears that such interview or consultation would result in expediting the case to final action. In this instant, the petitioner has not shown the action of the examiner was either repeated per 37 C.F.R. § 1.181(c) or improper per MPEP 713.01 [R-5] III. Thus the petition is **PREMATURE.**

The failure to file a proper and timely response to the Final action mailed December 01, 2005 in accordance with in 37 CFR 1.113(a) resulted in the abandonment of the case on Feburary 21, 2007 as set forth in 37 C.F.R. § 1.135(a) and (b).

Accordingly, the petition is **DISMISSED as MOOT.**

Any inquiry concerning this decision should be directed to Kim Huynh, whose telephone number is (571) 272-4147.



Jack Harvey, Director
Technology Center 2100
Computer Architecture, Software,
and Information Security

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Paper No. 6

STATTLER JOHANSEN & ADELI
P O BOX 51860
PALO ALTO CA 94303

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AUG 11 2003

OFFICE OF PETITIONS

In re Application of :
Teig et al. :
Application No. 10/062,014 : ON PETITION
Filed: January 31, 2002 :
Attorney Docket No. SPLX.P0092 :

This is a decision on the petition under 37 CFR 1.137(b)/(f), filed June 6, 2003, to accept an unintentionally delayed notification of the filing in a foreign country of an application directed to the invention disclosed in the subject application.

The petition is **GRANTED**.

The present nonprovisional application became the subject of an application filed in the PCT Office designating foreign countries on January 31, 2003. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application.

Therefore, pursuant to the provisions of 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c), petitioner failed 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 present 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.

The Office has processed the request to rescind the previous nonpublication request. A corrected filing receipt accompanies this decision on petition. The projected publication date will be determined pending completion of the processing of the corrected papers required in the Notice of March 1, 2002.

The application file is being returned to the Office of Initial Patent Examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Corrected filing receipt

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Paper No. 12

STATTLER JOHANSEN & ADELI
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PALO ALTO, CA 94303

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OFFICE OF PETITIONS

In re Application of
Teig et al.
Application No. 10/062,014
Filed: January 31, 2002
Attorney Docket No. SPLX.P0092

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed February 24, 2004, to revive the above-identified application. In view of the allegation in the petition of the timely filing of a reply and the evidence submitted in support thereof, the petition is more properly a petition under 37 CFR 1.181 requesting the withdrawal of the holding of abandonment in the above-identified application and has been so treated.

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

The above-identified application was held abandoned for failure to timely reply to the Notice To File Corrected Application Papers (Notice) mailed March 1, 2002. The Notice set a period for reply of two (2) months from the mail date of the Notice. A reply was due on or before May 1, 2002. A Notice of Abandonment was mailed on February 9, 2004.

Petitioner states that the reply was in fact timely filed. To support this assertion, petitioner has submitted a copy of the previously mailed correspondence which bears a certificate of mailing date of May 1, 2002.

In view of the above, the holding of abandonment is hereby withdrawn and the application restored to pending status.

A petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 does not require a fee. Therefore, the $1330.00 petition fee submitted with the instant petition will be credited to petitioner's deposit account as authorized.

The Office sincerely apologizes for the inconvinience caused the petitioner in this matter.

This application is being returned to the Office of Initial Patent Examination for processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 306-0482.

Liana Chase
Petitions Examiner
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No. 9

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OCT 07 2003

OFFICE OF PETITIONS

In re Application of :
Teig, et al. :
Application No. 10/062,017 : ON PETITION
Filed: January 31, 2002 :
Attorney Docket No. SPLX.P0090 :

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed June 6, 2003 (supplemented by facsimile transmission on June 24, 2003).

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an international application filed on January 31, 2003. However, the US Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the international 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.

The application file is being forwarded to Technology Center 2100, Group Art Unit 2143, for examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo
Petitions Attorney
Office of Petitions

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AUG 1 1 2003

OFFICE OF PETITIONS

In re Application of :
Teig et al. :
Application No. 10/062,044 : ON PETITION
Filed: January 31, 2002 :
Attorney Docket No. SPLX.P0093 :

This is a decision on the petition under 37 CFR 1.137(b)/(f), filed June 6, 2003, to accept an unintentionally delayed notification of the filing in a foreign country of an application directed to the invention disclosed in the subject application.

The petition is **GRANTED**.

The present nonprovisional application became the subject of an application filed in the PCT Office designating foreign countries on January 31, 2003. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application.

Therefore, pursuant to the provisions of 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c), petitioner failed 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 present 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.

The Office has processed the request to rescind the previous nonpublication request. A Notice Regarding Rescission of Nonpublication Request and Notice of Foreign Filing setting forth the projected publication date, November 20, 2003, accompanies this decision on petition.

The application file is being forwarded to Technology Center 2800.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Notice Regarding Rescission of Nonpublication Request and Notice of Foreign Filing

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AUG 11 2003

OFFICE OF PETITIONS

In re Application of :
Teig et al. :
Application No. 10/062,047 : ON PETITION
Filed: January 31, 2002 :
Attorney Docket No. SPLX.P0101 :

This is a decision on the petition under 37 CFR 1.137(b)/(f), filed June 6, 2003, to accept an unintentionally delayed notification of the filing in a foreign country of an application directed to the invention disclosed in the subject application.

The petition is **GRANTED**.

The present nonprovisional application became the subject of an application filed in the PCT Office designating foreign countries on January 31, 2003. However, the U.S. Patent and Trademark Office was unintentionally not notified of this filing within 45 days subsequent to the filing of the PCT application.

Therefore, pursuant to the provisions of 35 USC 122(b)(2)(B)(iii) and 37 CFR 1.213(c), petitioner failed 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 present 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.

The Office has processed the request to rescind the previous nonpublication request. A Notice Regarding Rescission of Nonpublication Request and Notice of Foreign Filing setting forth the projected publication date, November 20, 2003, accompanies this decision on petition.

The application file is being forwarded to Technology Center 2800.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Enclosure: Notice Regarding Rescission of Nonpublication Request and Notice of Foreign Filing

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HOLLINGSWORTH & FUNK, LLC
8009 34TH AVENUE S.
SUITE 125
MINNEAPOLIS, MN 55425

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OFFICE OF PETITIONS

In re Application of :
Andrew P. Kramer et al. :
Application No. 10/062,048 : ON PETITION
Filed: January 31, 2002 :
Attorney Docket No. 960570.DCI :

This is a decision on the petition filed April 27, 2006 under 37 CFR 1.137(b),[1] to revive the above-identified application.

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

This application became abandoned September 20, 2005 for failure to timely pay the issue fee on or before September 19, 2005. Accordingly, a Notice of Abandonment was mailed April 11, 2006.

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

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

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NOV - 5 2003

Daniel S. Kasten
One US Bank Plaza
St. Louis Missouri 63101

In re Application of :
Heyduk, Tomasz :
Serial No.: 10/062,064 : Decision on Petition
Filed: January 31, 2002 :
Attorney Docket No.: 66153-9041

This is in response to applicant's "Petition to Withdraw Holding of Abandonment Under 37 CFR 1.181" filed July 2, 2003. The delay is regretted.

On August 13, 2002, an Office Action was mailed. On June 9, 2003, a Notice of Abandonment was mailed for failure to timely file a response. On July 2, 2003, the present petition was filed. Applicant asserts that a response was timely filed on September 1, 2002. A copy of the Response and facsimile confirmation were attached.

Applicant's statement and evidence show that the response was timely filed. Accordingly, the petition is granted.

Petition GRANTED.

The application has been returned to pending status. The application will be forwarded to examiner for consideration of the response after mailing of this letter.

Carlos Azevedo for
John Doll
Director, Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 10/06/2028

Paper No.: ____

DATE : 3/7/06

TO SPE OF : ART UNIT 1732

SUBJECT : Request for Certificate of Correction on Patent No.: 6979958 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.**
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.

Virginia Tolbert

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9390 ext. 113

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:

Chrishna Johnson
SPE 8/31/06

AU1732
Art Unit

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45 SOUTH SEVENTH STREET, SUITE 3300
MINNEAPOLIS MN 55402

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OFFICE OF PETITIONS

In re Application of :
Pachon et al. :
Application No. 10/062099 :
Filing or 371(c) Date: 01/31/2002 :
Attorney Docket Number: :
CA108US : ON PETITION

This is a decision on the "Communication - Request for Withdrawal of Notice of Abandonment," filed January 3, 2007. The petition is properly treated under 37 CFR 1.181(a). The delay in treating this petition is regretted.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed May 25, 2006. The Office action set a three (3) month period for reply, and provided for extensions of time under 37 CFR 1.136(a). No response having been received, the application became abandoned on August 26, 2006. A Notice of Abandonment was mailed December 13, 2006.

Applicant's Assertion

Applicant files the instant petition and asserts that a timely response to the Office action including an amendment and a three (3) month extension of time, were filed on November 27, 2006. In support of this assertion, Applicant files a copy of the response, along with a copy of an Auto-Reply Facsimile Transmission report from this Office acknowledging receipt of 14 pages from petitioner on November 27, 2006.

A review of office records also reveals that the response to the Office action was received by this Office on November 27, 2006.

In view of the foregoing, the petition is granted. Accord, 37 CFR 1.6(a)(1). The holding of abandonment is hereby withdrawn.

No petition fee has been charged and none is due.

The application will be referred to Technology Center Art Unit 3623 for processing of the Amendment, filed on November 27, 2006, and for further examination in the normal course of business.

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

Derek L. Woods
Attorney
Office of Petitions

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MAY 05 2009

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SCHNECK & SCHNECK
P.O. Box 2-E
80 S. Market Street
Third Floor
San Jose, CA 95109-0005

TELEPHONE:(408) 297-9733
FAX:(408) 297-9748
EMAIL: WEBMAIL@PATENTVALLEY.COM

DATE: May 5, 2009

TO: U.S. Patent & Trademark Office

ATTN: Office of Petitions

FAX NO.: 571/273-8300

REF.: U.S. Patent Applications

THIS MESSAGE CONSISTS OF
THIS COVER SHEET PLUS 17 OTHER PAGES

To Sir or Madam:

The attached Petition for Certificate of Correction is being submitted for the below-identified patent application. If you have any questions please call our office.

U.S. Patent No. 6,647,450 - USSN 09/680,652 - our ref: CRA-001
U.S. Patent No. 6,738,837 - USSN 10/062,111 - our ref: CRA-015
U.S. Patent No. 6,708,259 - USSN 10/061,543 - our ref: CRA-019
U.S. Patent No. 6,912,673 - USSN 10/062,381 - our ref: CRA-007
U.S. Patent No. 6,874,049 - USSN 10/061,544 - our ref: CRA-016
U.S. Patent No. 6,711,655 - USSN 10/061,668 - our ref: CRA-008

Thanks,

Sally Azevedo, Patent Secretary
sally@patentvalley.com
Law Offices of Schneck & Schneck

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: David C. Wyland
Serial No.: 10/062,111
Filed: February 1, 2002
Confirmation No.: 9975
U.S. Patent: 6,738,837

PATENT
Group Art Unit: 2182
Examiner: A.S. Chen
Atty. Docket No.: CRA-015
Granted: May 18, 2004

For: DIGITAL SYSTEM WITH SPLIT TRANSACTION MEMORY ACCESS

Petition for Certificate of Correction
of U.S. Patent No. 6,738,837
for Applicant's Mistake (37 CFR § 1.323)
37 C.F.R. 3.81(b)

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

Sir or Madam:

This is a re-submission for a Certificate of Correction for the above-identified patent. The prior submission did not include a Petition which is now provided. A copy of the USPTO refusal is enclosed.

The following error appears in the above-identified patent and are of such a nature as to justify the issuance of a Certificate of Correction.

1. The assignee's name was inadvertently incorrectly identified as Cradle Technologies, Inc. on the face of U.S. Patent No. 6,738,837 in the appropriate space for specifying the assignee. (item 3 of the Fee(s) Transmittal Form PTOL-85B) submitted in this application on April 6, 2004.

05/06/2009 HMARZI1 00000040 190590 6738837
01 FC:1811 100.00 DA

Void date: 05/06/2009 HMARZI1 00000040 190590 6738837
05/06/2009 HMARZI1 100.00 CR
01 FC:1811

PAGE 2/18 * RCVD AT 5/5/2009 4:52:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/4 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):04-54

2. Applicant requests the above-identified patent be corrected by Certificate of Correction to correct the name of the assignee as follows:

Cradle Technologies

3. The assignment of this application has been recorded, pursuant to 37 CFR § 3.11 before the issuance of the patent, on March 4, 2002, Reel 012666, Frame 0350 in favor of Cradle Technologies. A copy of the Notice of Recordation of Assignment Document is enclosed.

4. Included herewith is a request for a Certificate of Correction under 37 CFR § 1.323. The fee of $100 set forth in 37 CFR § 1.20(a) was previously paid in the prior Certificate of Correction submission which was refused. Please charge the processing fee set forth in 37 CFR 1.117(h) amounting to $130 to deposit account no. 19-0590. Charge any additional fees required by this paper or credit any overpayment to deposit account no. 19-0590.

5. Statement under 37 CFR § 3.73(b). The assignee is taking action to correct its name as owner of the patent as established by the assignment from the inventor identified in paragraph 3 above with reel and frame number. The undersigned is authorized to act on behalf of the assignee.

If this Petition is granted please forward the file to the Certificate of Corrections Branch. The Branch is requested to issue a Certificate of Correction, Form PTO 1050.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to no. (571)273-8300 Attn: Office of Petitions on the date shown below.

Signed: Sally Azevedo

Typed Name: Sally Azevedo

Date: May 5, 2009

Respectfully submitted,

Thomas Schneck

Thomas Schneck
Reg. No. 24,518
Attorney for Applicant

Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005
(408) 297-9733

PAGE 3/18 * RCVD AT 5/5/2009 4:52:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/4 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):04-54

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UNITED STATES PATENT AND TRADEMARK OFFICE

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

April 14, 2009

Patent No. : 6,738,837 B1
Application No : 10/062,111
Inventor(s) : Wyland
Issued : May 18, 2004
Title : **DIGITAL SYSTEM WITH SPLIT TRANSACTION MEMORY ACCESS**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

In view of the foregoing, your request 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

05/06/2009 HMARZI1 00000040 190590 6738837

02 FC:1464 130.00 DA

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.

Valerie Jackson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 114

Thomas Schneck
Law Offices of Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005

vj/MFD

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UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Trademarks
Arlington, VA 22202-3513
www.uspto.gov

MAY 08, 2002

PTAS

LAW OFFICES OF THOMAS SCHNECK
THOMAS SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

102018568A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 03/04/2002

REEL/FRAME: 012666/0350
NUMBER OF PAGES: 6

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
WYLAND, DAVID C.

DOC DATE: 01/30/2002

ASSIGNEE:
CRADLE TECHNOLOGIES
3130 WEST WARREN AVENUE
A CALIFORNIA CORPORATION
FREMONT, CALIFORNIA 94538

SERIAL NUMBER: 10062111
PATENT NUMBER:

FILING DATE: 02/01/2002
ISSUE DATE:

ANTIONE ROYALL, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

FORM PTO-1619A
Expires 06/30/99
OMB 0651-0027

03-15-2002

102018568

RECORDATION FORM COVER SHEET
PATENTS ONLY

TO: The Commissioner of Patents and Trademarks: Please record the attached original document(s) or copy(ies).

Submission Type

- [X] New 3-4-02
- [ ] Resubmission (Non-Recordation) Document ID#
- [ ] Correction of PTO Error Reel # Frame #
- [ ] Corrective Document Reel # Frame #

Conveyance Type

- [X] Assignment
- [ ] Security Agreement
- [ ] License
- [ ] Change of Name
- [ ] Merger
- [ ] Other

U.S. Government
(For Use ONLY by U.S. Government Agencies)
- [ ] Departmental File
- [ ] Secret File

Conveying Party(ies)

- [ ] Mark if additional names of conveying parties attached

Name (line 1): David C. Wyland
Execution Date (Month Day Year): 01 30 2002

Name (line 2):

Second Party
Name (line 1):
Execution Date (Month Day Year):

Name (line 2):

Receiving Party

- [ ] Mark if additional names of receiving parties attached

Name (line 1): CRADLE TECHNOLOGIES

Name (line 2): a California corporation

Address (line 1): 3130 West Warren Avenue

Address (line 2):

Address (line 3): Fremont (City) California (State/Country) 94538 (Zip Code)

- [ ] If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. *(Designation must be a separate document from Assignment.)*

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name:

Address (line 1):

Address (line 2):

Address (line 3):

Address (line 4):

03/14/2002 LMUELLER 00000116 10062111
01 FC:581 40.00 OP

FOR OFFICE USE ONLY

Public burden reporting for this collection of information is estimated to average approximately 30 minutes per Cover Sheet to be recorded, including time for reviewing the document and gathering the data needed to complete the Cover Sheet. Send comments regarding this burden estimate to the U.S. Patent and Trademark Office, Chief Information Officer, Washington, D.C. 20231 and to the Office of Information and Regulatory Affairs, Office of Management and Budget, Paperwork Reduction Project (0651-0027), Washington, D.C. 20503. See OMB Information Collection Budget Package 0651-0027, Patent and Trademark Assignment Practice. DO NOT SEND REQUESTS TO RECORD ASSIGNMENT DOCUMENTS TO THIS ADDRESS.

Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments , Washington, D.C. 20231

FORM PTO-1619B
Expires 06/30/99
OMB 0651-0027

Page 2

U.S. Department of Commerce
Patent and Trademark Office
PATENT

Correspondent Name and Address Area Code and Telephone Number (408) 297-9733

Name: Thomas Schneck

Address (line 1): Law Offices of Thomas Schneck

Address (line 2): P.O. Box 2-E

Address (line 3): San Jose, CA. 95109-0005

Address (line 4):

Pages Enter the total number of pages of the attached conveyance document including any attachments. # 6

Application Number(s) or Patent Number(s) ☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)			Patent Number(s)		
10/062,111					

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor. Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number only if a U.S. Application Number has not been assigned.

PCT ____ PCT ____ PCT ____

PCT ____ PCT ____ PCT ____

Number of Properties Enter the total number of properties involved. # 1

Fee Amount Fee Amount for Properties Listed (37 CFR 3.41): $ 40.00

Method of Payment: Enclosed ☒ Deposit Account ☐

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: # 19-0590

Authorization to charge additional fees: Yes ☒ No ☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Thomas Schneck	Thomas Schneck	February 22, 2002
Name of Person Signing	Signature	Date

A S S I G N M E N T

WHEREAS, the undersigned, DAVID C. WYLAND, having an address of 15213 Bowden Court, Morgan Hill, County of Santa Clara, State of California 95037 (hereinafter termed Assignor) has invented certain new and useful improvements in an invention entitled: DIGITAL SYSTEM WITH SPLIT TRANSACTION MEMORY ACCESS; the undersigned Assignor hereby authorizes and requests that the serial number and filing date of said patent application be entered herein by the attorney in charge of the application, as soon as such information is known:

Serial No. 10/062,111

Filed: February 1, 2002

WHEREAS, CRADLE TECHNOLOGIES, a corporation of the State of California, having an address of 3130 West Warren Avenue, Fremont, California 94538 (hereinafter termed Assignee) is desirous of acquiring the entire right, title and interest in and to said application and said invention and improvements thereon, and in and to Letters Patent thereon when granted in the United States and foreign countries;

NOW, THEREFORE, in consideration of the sum of One Dollar ($1.00) and for other good and valuable consideration received by said Assignor from said Assignee, the receipt and sufficiency of which in full are hereby acknowledged by said Assignor:

1. Said Assignor does hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest in and to said application and said invention and in and to any and all improvements on said invention heretofore or hereafter made or acquired by said Assignor; and in and to any and all Letters Patent on said invention and/or said improvements that may be granted in the United States or any foreign country, including each and every Letters Patent granted on any application which is a division, continuation, substitution, renewal, or continuation-in-part of any of said application specifically identified herein, and in and to each and every reissue or extension of said Letters Patent.

2. Said Assignor hereby covenants and agrees to cooperate with said Assignee whereby said Assignee may enjoy to the fullest extent the right, title and interest herein conveyed. Such cooperation shall include (a) prompt execution of all papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee to perfect in it the right, title and interest herein conveyed; (b) prompt execution of all petitions, oaths, specifications or other papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee for prosecuting said application, for filing and prosecuting divisional, continuation, substitution, renewal, continuation-in-part, or additional applications in the United States and/or foreign countries covering said invention and/or said improve-

PAGE 10/18 * RCVD AT 5/5/2009 4:52:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/4 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):04-54

ments, for filing and prosecuting applications for reissuance of Letters Patent included herein, or for interference proceedings involving said invention and/or said improvements; (c) prompt assistance and cooperation in the prosecution of interference proceedings involving said invention and/or said improvements and in the adjudication of said Letters Patent, particularly by the disclosure of facts and the production of evidence relating to said invention and/or said improvements, provided the expenses which may be incurred by said Assignor in lending such assistance and cooperation shall be paid by the Assignee.

3. The terms, covenants and conditions of this assignment shall inure to the benefit of said Assignee, its successors, assigns and/or other legal representatives, and shall be binding upon said Assignor, his heirs, legal representatives and assigns.

4. Said Assignor hereby warrants and represents that he has not entered into any assignment, contract or understanding in conflict herewith.

IN WITNESS WHEREOF, this said Assignor has executed and delivered this instrument this 30th day of January, 2002.

DAVID C. WYLAND

PAGE 11/18 * RCVD AT 5/5/2009 4:52:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/4 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):04-54

County of Santa Clara)
)
State of California)

On 5th January 2009, before me, Babul Sheth,
personally appeared DAVID C. WYLAND, ~~personally known to me~~ (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

BABUL K. SHETH
COMM # 1188397
NOTARY PUBLIC - CALIFORNIA
SAN MATEO COUNTY
My Comm. Exp. June 27 2009

Signature Babul K. Sheth (Seal)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: David C. Wyland PATENT
Serial No.: 10/062,111 Group Art Unit: 2182
Filed: February 1, 2002 Examiner: A.S. Chen
Confirmation No.: 9975 Atty. Docket No.: CRA-015
U.S. Patent: 6,738,837 Granted: May 18, 2004

For: DIGITAL SYSTEM WITH SPLIT TRANSACTION MEMORY ACCESS

Request for Certificate of Correction
of U.S. Patent No. 6,738,837
for Applicant's Mistake (37 CFR § 1.323)

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

Sir or Madam:

The following error appears in the above-identified patent and are of such a nature as to justify the issuance of a Certificate of Correction.

1. The assignee's name was incorrectly identified as Cradle Technologies, Inc. on the face of U.S. Patent No. 6,738,837 in the appropriate space for specifying the assignee, (item 3 of the Fee(s) Transmittal Form PTOL-85B) submitted in this application on April 6, 2004.

2. Applicant requests the above-identified patent be corrected by Certificate of Correction to correct the name of the assignee as follows:

Cradle Technologies

PAGE 13/18 * RCVD AT 5/5/2009 4:52:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/4 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):04-54

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3. The assignment of this application was been recorded, pursuant to 37 CFR § 3.11 before the issuance of the patent, on March 4, 2002, Reel 012666, Frame 0350 in favor of Cradle Technologies.

4. Included herewith is a request for a Certificate of Correction under 37 CFR § 1.323 along with the fee of $100 set forth in 37 CFR § 1.20(a). Charge any additional fees required by this paper or credit any overpayment to deposit account no. 19-0590.

5. Statement under 37 CFR § 3.73(b). The assignee is taking action to correct its name as owner of the patent as established by the assignment from the inventor identified in paragraph 3 above with reel and frame number. The undersigned is authorized to act on behalf of the assignee.

Please issue a Certificate of Correction, Form PTO 1050.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) on the date shown below.

Signed: Sally Azevedo
Typed Name: Sally Azevedo

Date: April 3, 2009

Respectfully submitted,

Thomas Schneck
Reg. No. 24,518
Attorney for Applicant

Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005
(408) 297-9733

PAGE 14/18 * RCVD AT 5/5/2009 4:52:07 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-6/4 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):04-54

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 : 6,738,837 B1
DATED : May 18, 2004
INVENTOR(S) : David C. Wyland

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

Cover page at Item (73) Assignee reads "Cradle Technologies, Inc.", should read:
--- Cradle Technologies ---.

MAILING ADDRESS OF SENDER: Thomas Schneck
Law Offices of Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005

PATENT NO. 6,738,837 B1

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.

Electronic Acknowledgement Receipt

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EFS ID:	5096798
Application Number:	10062111
International Application Number:	
Confirmation Number:	9975
Title of Invention:	DIGITAL SYSTEM WITH SPLIT TRANSACTION MEMORY ACCESS
First Named Inventor/Applicant Name:	David C. Wyland
Customer Number:	03897
Filer:	Thomas Schneck/Merle Garcia
Filer Authorized By:	Thomas Schneck
Attorney Docket Number:	CRA-015
Receipt Date:	03-APR-2009
Filing Date:	01-FEB-2002
Time Stamp:	19:30:14
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$100
RAM confirmation Number	4580
Deposit Account	
Authorized User	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)

1	Request for Cenificate of Correction	CRA-015ReqCertCorrection.pdf	144597 bb9ea709711acf919ef993b831e8386b3e64b899	no	3
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	29834 c193f196f20f16d4e279911cbf5edc069cdd80db	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	174431		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

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Please Read Announcements | Application Data | Attach Documents | Review Documents | Calculate Fees | Confirm & Submit | Pay Fees | Receipt

Pay fees by Credit Card

review fees — make payment — fee receipt

Your Acknowledgement Receipt (evidence of this submission) will be provided upon completion of this payment transaction, or, upon choosing to not pay at any time during the payment process.

You are about to charge $ 100 to the following Credit Card:

Card Type	VISA
Ending with	5085
Expires	11/2011
Cardholder Name	Patricia Schneck
Street 1	P.O. Box 2-E
Street 2	
City	San Jose
State	CALIFORNIA
Country	UNITED STATES
ZIP/Postal Code	95109
Telephone Number	(408) 297-9733

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I hereby approve the U.S. Patent and Trademark Office (USPTO) to authorize and charge my credit card listed above. I understand that my credit card company will reserve the funds for payment to the USPTO. If the USPTO security features decline the payment, it may take 3 to 10 days for my credit card company to release the funds, and I am still responsible for making the payment to the USPTO.

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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

WONG, CABELLO, LUTSCH,
RUTHERFORD & BRUCCULERI, P.C.
20333 SH 249
SUITE 600
HOUSTON, TX 77070

COPY MAILED

AUG 0 8 2002

OFFICE OF PETITIONS

In re Application of :
James Kleinsteiber, :
Richard L. Hammons, :
Dilip Gunawardena, Hung Nguyen, :
Shankar Balasubramanian, and :
Vidya Renganararayanan : DECISION ACCORDING STATUS
Application No. 10/062,125 : UNDER 37 C.F.R. §1.47(a)
Filed: January 31, 2002 :
Attorney Docket No. 112-0039US :
Title: Network Security and :
Applications to the Fabric :

This is in response to the petition, filed June 6, 2002 (certificate of mailing May 28, 2002), under 37 CFR 1.47(a).

The petition is **GRANTED**.

The above-identified application was filed on January 31, 2002, without an executed oath or declaration. James Kleinsteiber, Richard L. Hammons, Dilip Gunawardena, Hung Nguyen, Shankar Balasubramanian, and Vidya Renganararayanan were named as joint inventors. Accordingly, on April 4, 2002, applicants were mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring an executed oath or declaration, and the surcharge under §1.16(e) for late filing. This Notice set a two-month period for reply with extensions of time obtainable under §1.136(a).

In reply, rule 47 applicants timely filed the instant petition, petition fee ($130), and surcharge under §1.16(e)($130). Applicants assert that status under §1.47 is proper because inventor Gunawardena refuses to join in the application. In support thereof, applicants submitted *inter alia* a declaration of patent attorney Louis Brucculeri with documentary evidence of the presentation of the application papers for signature to inventor Gunawardena.

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(s).

By declaration of Louis Brucculeri and supporting documentary evidence, applicants have shown 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, and that inventor Gunawardena has refused to join in the application. Accompanying the petition is a declaration executed by joint inventors Kleinsteiber, Hammons, Nguyen, Balasubramanian and Renganararayanan on behalf of themselves and on behalf of non-signing inventor Gunawardena. Moreover, the petition submitted included the petition fee and a statement of the last known address of inventor Gunawardena.

This declaration filed June 6, 2002 has been reviewed and found in compliance with §1.63. The petition likewise is in compliance with §1.47.

In view thereof, this application is hereby accorded Rule 1.47(a) status.

As provided in new Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 2161 for examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
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
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MAIL

Paper No. 9

MAR 3 0 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Attention: George H. Gates
Gates & Cooper LLP
Howard Hughes Center, Suite 1050
6701 Center Drive West
Los Angeles CA 90045

In re Application of: HOANG K. CHAU, ET AL.	)	
Application No.: 10/062,127	)	**DECISION ON PETITION**
Filed: January 31, 2002	)	**TO WITHDRAW THE**
For: **GENERATING ONE OR MORE XML**	)	**HOLDING OF**
DOCUMENTS FROM A RELATIONAL DATABASE	)	**ABANDONMENT**
USING XPATH DATA MODEL	)	

This is in reply to Petitioner's Petition to Withdraw the Holding of Abandonment filed in the United States Patent and Trademark Office on February 26, 2004. No fee is required.

The petition is **GRANTED**.

A review of the file record reveals that the application was held abandoned for failure to timely file a proper reply to the Office Letter mailed on May 30, 2003 within the Shortened Statutory Period of three months set therein.

Petitioner has submitted a statement from the practitioner stating that the Office Letter 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 Letter was not received. A copy of the docket record where the non-received letter would have been entered had it been received and docketed was also submitted.

Since Petitioner has never received the Office Letter mailed May 30, 2003, the holding of abandonment dated February 05, 2004 is hereby withdrawn. The application will be forwarded to the Supervisory Legal Instruments Examiner with the instructions to redate and remail the Office Letter dated May 30, 2003.

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

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

Paper No. **6**

DREIER & BARITZ, LLP
499 PARK AVENUE
20TH FLOOR
NEW YORK, NY 10022

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NOV 0 6 2002

OFFICE OF PETITIONS

In re Application of	:	
James Takeshi Sugahara	:	
Application No. 10/062,164	:	DECISION GRANTING PETITION
Filed: February 1, 2002	:	UNDER 37 CFR 1.137(f)
Attorney Docket No. 7056.033A	:	

This is a decision on the petition, filed October 28, 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 June 17, 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 February 13, 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 3624 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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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CANCELLED

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

In re Application of

Sheldon, et al

Application No. 10/062,168

Filed: January 31, 2002

Attorney Docket No. 263474US8

DECISION ON PETITION

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181(a), filed October 20, 2006, and in duplicate on March 2, 2007.

The petition is **granted**.

This application was held abandoned on July 4, 2006, after no reply was received to the non-final Office action mailed April 3, 2006. The notice set forth a shortened statutory period for reply of three months from its mailing date. The instant petition was first filed on October 20, 2006. Petitioner maintains that the notice of April 3, 2006, was never received and provides a copy of the relevant docketing calendar as proof of the same.

Section 711.03(c)(II) of the *Manual of Patent Examining Procedure* ("MPEP") provides that in order to establish non-receipt of an Office action so as prove that the imposition of a holding of abandonment is improper, petitioner must: 1) provide a statement to the Office indicating that the Office action was not received by petitioner; 2) include in the statement an attestation to the fact that a review of the file jacket and docket records maintained by petitioner indicates that the Office action was not received; and 3) provide a copy of the docket record where the non-received Office communication would have been entered had it been received and docketed.

Petitioner has met the burden of proof as established by Section 711.03(c)(II) of the MPEP. The holding of abandonment is, therefore, withdrawn.

The application file is being forwarded to the Technology Center 2100, GAU 2164 for further processing.

Questions concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JUL 29 2003

#9

MALLOY & MALLOY, P.A.
2800 S.W. THIRD AVENUE
HISTORIC CORAL WAY
MIAMI, FL 33129

In re Application of	:	
Johann F. Helenkamp	:	
Serial No. 10/062,178	:	DECISION ON PETITION
Filed: January 31, 2002	:	
Title: Improved Automatic Surgical Device and Control Assembly for Cutting A Cornea	:	

This is in response to applicants' petition filed May 27, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(c), based on the age of the applicant.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, IV. 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 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 13

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SEP 27 2005

OFFICE OF PETITIONS

David Jacobs
Gesmer Updegrove LLP
40 Broad Street
Boston, MA 02109

In re Application of :
Silviu Borac :
Application No. 10/062,192 : ON PETITION
Filed: February 1, 2002 :
Attorney Docket No. MENT-062

This is a decision on the petition under 37 CFR 1.137(a), filed August 5, 2005, to revive the above-identified application.

The petition is **DISMISSED**.

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

The above-identified application became abandoned for failure to reply to the non-final Office action mailed April 19, 2004, which set a shortened statutory period for reply of three (3) months from its mailing date. No response was received within the allowable period, and the application became abandoned on July 20, 2004. A Notice of Abandonment was mailed on November 30, 2004.

A grantable petition under 37 CFR 1.137(a)[1] must be accompanied by: (1) the required reply,[2] unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(1); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due

[1]As amended effective December 1, 1997. See Changes to Patent Practice and Procedure; Final Rule Notice 62 Fed. Reg. 53131, 53194-95 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 119-20 (October 21, 1997).

[2] In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.

date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer required by 37 CFR 1.137(c).

The instant petition lacks item (1).

The Commissioner is responsible for determining the standard for unavoidable delay and for applying that standard.

"In the specialized field of patent law, . . . the Commissioner of Patent and Trademarks is primarily responsible for the application and enforcement of the various narrow and technical statutory and regulatory provisions. The Commissioner's interpretation of those provisions is entitled to considerable deference."[3]

"[T]he Commissioner's discretion cannot remain wholly uncontrolled, if the facts **clearly** demonstrate that the applicant's delay in prosecuting the application was unavoidable, and that the Commissioner's adverse determination lacked **any** basis in reason or common sense."[4]

"The court's review of a Commissioner's decision is 'limited, however, to a determination of whether the agency finding was arbitrary, capricious, an abuse of discretion, or otherwise not in accordance with the law.'"[5]
"The scope of review under the arbitrary and capricious standard is narrow and a court is not to substitute its judgment for that of the agency."[6]

The standard

"[T]he question of whether an applicant's delay in prosecuting an application was unavoidable must be decided on a case-by-case basis, taking all of the facts and circumstances into account."[7]

---

[3]Rydeen v. Quigg, 748 F.Supp. 900, 904, 16 U.S.P.Q.2d (BNA) 1876 (D.D.C. 1990), aff'd without opinion (Rule 36), 937 F.2d 623 (Fed. Cir.1991) (citing Morganroth v. Quigg, 885 F.2d 843, 848, 12 U.S.P.Q.2d (BNA) 1125 (Fed. Cir. 1989); Ethicon, Inc. v. Quigg 849 F.2d 1422, 7 U.S.P.Q.2d (BNA 1152 (Fed. Cir. 1988) ("an agency' interpretation of a statute it administers is entitled to deference"); see also Chevron U.S.A. Inc. v. Natural Resources Defence Council, Inc., 467 U.S. 837, 844, 81 L. Ed. 694, 104 S. Ct. 2778 (1984) ("if the statute is silent or ambiguous with respect to the specific issue, the question for the court is whether the agency's answer is based on a permissible construction of the statute.")

[4]Commissariat A L'Energie Atomique et al. v. Watson, 274 F.2d 594, 597, 124 U.S.P.Q. (BNA) 126 (D.C. Cir. 1960) (emphasis added).

[5]Haines v. Quigg, 673 F. Supp. 314, 316, 5 U.S.P.Q.2d (BNA) 1130 (N.D. Ind. 1987) (citing Camp v. Pitts, 411 U.S. 138, 93 S. Ct.1241, 1244 (1973) (citing 5 U.S.C. §706 (2)(A)); Beerly v. Dept. of Treasury, 768 F.2d 942, 945 (7th Cir. 1985); Smith v. Mossinghoff, 217 U.S. App. D.C. 27, 671 F.2d 533, 538 (D.C. Cir.1982)).

[6]Ray v. Lehman, 55 F.3d 606, 608, 34 U.S.P.Q2d (BNA) 1786 (Fed. Cir. 1995) (citing Motor Vehicles Mfrs. Ass'n v. State Farm Mut. Auto. Ins. Co., 463 U.S. 29, 43, 77 L.Ed.2d 443, 103 S. Ct. 2856 (1983)).

[7]Id.

The general question asked by the Office is: "Did petitioner act as a reasonable and prudent person in relation to his most important business?"[8] Nonawarness of a PTO rule will not constitute unavoidable delay.[9]

Application of the standard to the current facts and circumstances

In the instant petition, petitioner maintains that the circumstances leading to the abandonment of the application meet the aforementioned unavoidable standard and, therefore, petitioner qualifies for relief under 37 CFR 1.137(a). In support thereof, petitioner asserts a response to the non-final Office action was timely transmitted via facsimile to the Office.

With regard to item (1) above, a proper reply to the non-final Office action did not accompany the petition. A proper reply might include an amendment or continuing application and must accompany any renewed petition filed.

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

Telephone inquiries should be directed to the undersigned (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

---

[8]See In re Mattulah, 38 App. D.C. 497 (D.C. Cir. 1912).

[9]See Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. (BNA) 977 (Fed. Cir. 1982) (citing Potter v. Dann, 201 U.S.P.Q. (BNA) 574 (D.D.C. 1978) for the proposition that counsel's nonawarness of PTO rules does not constitute "unavoidable" delay)). Although court decisions have only addressed the issue of lack of knowledge of an attorney, there is no reason to expect a different result due to lack of knowledge on the part of a pro se (one who prosecutes on his own) applicant. It would be inequitable for a court to determine that a client who spends his hard earned money on an attorney who happens not to know a specific rule should be held to a higher standard than a pro se applicant who makes (or is forced to make) the decision to file the application without the assistance of counsel.

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Paper No. 16

David Jacobs
Gesmer Updegrove LLP
40 Broad Street
Boston, MA 02109

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OFFICE OF PETITIONS

In re Application of :
Silviu Borac :
Application No. 10/062,192 : ON PETITION
Filed: February 1, 2002 :
Attorney Docket No. MENT-062

This is a decision on the renewed petition under 37 CFR 1.137(a), filed October 5, 2005, to revive the above-identified application.

The renewed petition is **GRANTED.**

The above-identified application became abandoned for failure to reply to the non-final Office action mailed April 19, 2004, which set a shortened statutory period for reply of three (3) months from its mailing date. No response was received within the allowable period, and the application became abandoned on July 20, 2004. A Notice of Abandonment was mailed on November 30, 2004. A petition under 37 CFR 1.137(a) was filed on August 5, 2005, and dismissed by a decision mailed September 27, 2005.

It is noted that $1,500.00 was charged to deposit account 12-2315 for the instant petition fee. The fee for the instant petition is $500.00, however. Deposit account 12-2315 will be refunded $1,000.00, accordingly.

The file is now being forwarded to Technology Center 2600, GAU 2671 for further processing and treatment of the amendment filed October 5, 2005.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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Paper No. 8

PERKINS COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

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OFFICE OF PETITIONS

In re Application of
Foster et al.
Application No. 10/062,199
Filed: October 26, 2001
Attorney Docket No. 030048019US1

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(f)

This is a decision on the "Petition to Revive Unintentionally Abandoned Application Under 37 C.F.R. § 1.137(b)," filed June 15 2003, which is properly treated as a petition 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 application filed on April 19, 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 foreign or international application[1].

In view of the above, this application became abandoned pursuant to 35 U.S.C. § 122(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.

---

[1] A Rescission of Nonpublication Request was filed on May 6, 2002. However, it was not accompanied by a Notice of Foreign Filing.

The previous Request and Certification under 35 U.S.C. 122(b)(2)(B)(i) was rescinded. The application was published on October 31, 2002.

The application is being forwarded to Technology Center 2664 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Benman, Brown & Williams
2049 Century Park East
Suite 2740
Los Angeles, CA 90067

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SEP 19 2006

OFFICE OF PETITIONS

In re Application of :

John Huff :
Application No. 10/062,213 : DECISION ON PETITION
Filed: January 31, 2002 : TO WITHDRAW
Attorney Docket No. : FROM RECORD
:

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed July 10, 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 William Benman on behalf of all attorneys of record.

All attorneys/agents have been withdrawn.

Applicant is reminded that there is no attorney of record at this time.

All future correspondence will be directed to the first named inventor John Huff at the address indicated below.

There is an outstanding Office action mailed August 25, 2006 that requires a reply from the applicant.

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

David Bucci
Petitions Examiner
Office of Petitions

cc: **John Huff**
52 N. Third Street
Fairfield, IA 52558

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER OF PATENTS

March 10, 2005

Richard B. Murphy
Canji, Inc.
3525 John Hopkins Court
San Diego, CA 92121

In re Application of:
Muralidhara Ramachandra, et al.
Serial No: 10/062216 On Petition
Filing Date: January 30, 2002
For: **SELECTIVELY REPLICATING VIRAL VECTORS**

In response to the petitions received on October 18, 2004, to withdraw the holding of abandonment in the above application.

The above-identified application became abandoned for failure to reply with the meaning of 37 C.D.R 1.113 in a timely manner to the Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures mailed October 7, 2003.
Which set forth a shortened statutory period for reply of two months. Accordingly, the above-identified application became abandoned December 9, 2003. The notice of abandonment was mailed on August 24, 2004.

Counsel has submitted three sequence disk with errors that do not complied with the sequence requirements. The latest disk was received on October 25, 2004. Counsel need to submit a new sequence disk.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P. O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 6

PERKIN COIE LLP
PATENT-SEA
P.O. BOX 1247
SEATTLE, WA 98111-1247

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OCT 0 2 2003

OFFICE OF PETITIONS

In re Application of
Foster et al.
Application No. 10/062,245
Filed: October 26, 2001
Attorney Docket No. 030048040US

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed June 13, 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 April 19, 2002. 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 January 8, 2004 has previously been mailed on September 29, 2003.

This application is being forwarded to Technology Center Art Unit 2600 for examination in due course.

Any inquiries concerning this decision may be directed to Paralegal Liana Chase at (703) 306-0482.

Frances Hicks
Lead Petitions Examiner
Office of Petitions
Office of the Deputy Assistant Commissioner
for Patent Policy and Projects

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 10

ALAN D. KAMRATH
RIDER, BENNETT, EGAN & ARUNDEL, LLP
SUITE 2000
333 SOUTH SEVENTH STREET
MINNEAPOLIS, MN 55402

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JAN 2 9 2004

OFFICE OF PETITIONS

In re Application of :
Kevin B. Weiss, et al :
Application No. 10/062,246 : ON PETITION
Filed: February 4, 2002 :
Attorney Docket No. 15866/139 :

This is a decision on the petition under 37 CFR 1.137(b), filed January 15, 2004, to revive the above-identified application.

The petition is GRANTED.

The above-identified application became abandoned for failure to reply in a timely manner to the Restriction Requirement mailed March 28, 2003, which set a shortened statutory period for reply of one month. A Notice of Abandonment was mailed on October 14, 2003.

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

The application file is being forwarded to Technology Center AU 3681 for further consideration of the response filed January 15, 2004.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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GREER, BURNS & CRAIN
300 S WACKER DR
25TH FLOOR
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of	:	
Eden et al.	:	
Application No. 10/062269	:	
Filing or 371(c) Date: 10/26/2001	:	ON PETITION
Patent No. 6815891	:	
Issue Date: 11/09/2004	:	
For: METHOD AND APPARATUS FOR EXCITING A MICRODISCHARGE	:	

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

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

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

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

Derek L. Woods
Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 9

BROWN RAYSMAN MILLSTEIN
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APR 0 2 2003

OFFICE OF PETITIONS

In re Application of :
Randolph Hernandez et al :
Application No. 10/062,277 : DECISION GRANTING PETITION
Filed: February 1, 2002 : UNDER 37 CFR 1.137(f)
Attorney Docket No. 848708/5A :

This is a decision on the petition, filed March 26, 2003, 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 January 31, 2003. 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 Notice Regarding Rescission of Nonpublication Request which sets forth the projected publication date of August 7, 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 2132 for examination in due course.

Frances Hicks

Frances Hicks
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

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

MCDERMOTT, WILL & EMERY
11682 EL CAMINO REAL
SUITE 400
SAN DIEGO, CA 92130-2047

Mail Date: 04/20/2010

Applicant	: Leroy E. Hood	: DECISION ON REQUEST FOR
Patent Number	: 7623969	: RECALCULATION of PATENT
Issue Date	: 11/24/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/062,299	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/31/2002	: 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
WASHINGTON, D.C. 20231
www.uspto.gov

Paper No. 8

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60611

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MAR 1 4 2003

OFFICE OF PETITIONS

In re Application of
Barua, et al.
Application No. 10/062,339
Filed: January 31, 2002
Attorney Docket No. 10541-43

DECISION ON PETITION

This is a decision on the petition under 37 CFR § 1.137(b), filed December 12, 2003, to revive the above-identified application.

The petition is **granted**.

This application became abandoned for failure to respond in an appropriate and timely manner to the "Notice to File Missing Parts in a Nonprovisional Application" (the "Notice") mailed March 20, 2002. The Notice set forth a two month period for reply beginning from its mailing date. Petitioner obtained a five month extension of time for reply, but failed to respond properly to the Notice by filing a declaration. Accordingly, this application became abandoned on October 21, 2002. A Notice of Abandonment was mailed on December 11, 2002.

The declaration filed February 12, 2003, is noted and made of record.

The application is being forward to the Office of Initial Patent Examination for further processing.

Telephone inquiries concerning this matter may be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO IL 60610

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OCT 0 6 2005

OFFICE OF PETITIONS

In re Patent No. 6,898,988	:	
Issued : May 31, 2005	:	
Application No. 10/062,339	:	ON PETITION
Filed: January 31, 2002	:	
Attorney Docket No. 11721/19	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 8, 2005 (certificate of mailing date February 10, 2003), to revive the above-identified application.

The petition is **GRANTED.**

This application matured into Patent No. 6,989,988 on May 31, 2005. Therefore, no further action is required.

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
P.O. Box 1450
Alexandria, VA 22313-1450
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DARCELL WALKER
8107 CARVEL LANE
HOUSTON TX 77036

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OCT 19 2007

OFFICE OF PETITIONS

In re Application of :
Carl O. Bennett, Jr., et al :
Application No. 10/062,346 : DECISION GRANTING PETITION
Filed: January 31, 2002 : UNDER 37 CFR 1.137(b)
Attorney Docket No. AUS92001050US1 :

This is a decision on the petition under 37 CFR 1.137(b), filed May 9, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Appeal Brief; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply of May 9, 2007, is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3208.

This matter is being referred to Technology Center AU 2173.

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.

KEURN J. PARK
MAYER FORTKORT AND WILLIAMS PC
251 NORTH AVENUE WEST 2ND FLOOR
WESTFIELD NJ 07090

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SEP 12 2008

OFFICE OF PETITIONS

In re Application of :
Barry Gellman :
Application No. 10/062,357 :
Filed: January 31, 2002 :
Attorney Docket No. BSC-200 :
(1002/269) :

DECISION ON
PETITION

This is a decision on the "REQUEST TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181, FILED WITH APPEAL BRIEF UNDER 37 CFR §41.37 and PETITION FOR EXTENSION OF TIME UNDER 37 CFR §1.136(a)" filed August 1, 2008.

By Notice mailed June 2, 2008, applicant was advised that the application was abandoned for failure to timely file a reply to the final Office action mailed July 17, 2007. The Office action set a three-month shortened statutory period for reply, with extensions of time obtainable under 37 CFR 1.136(a). No reply considered received and no extension considered obtained, the application became abandoned effective October 18, 2007.

In response, applicant timely filed the instant petition. Applicant's arguments have been considered and found persuasive to the extent that applicant timely and properly responded to the final Office action. The Advisory Action mailed September 26, 2007 did not restart the period for reply to the final Office action mailed July 17, 2007. Nonetheless, the record shows that, on Monday, November 19, 2007, applicant timely and properly responded to the final Office action with the filing of a notice of appeal and appeal fee (with an extension of time for response within the first month and the extension fee). Accompanying this response was a Pre-Appeal Brief Request for Review. Further, on January 31, 2008, the Office mailed a Notice of Panel Decision from Pre-Appeal Brief Review. This

Notice set a one-month period to file an Appeal Brief, with extensions of time obtainable under §1.136(a). Thus, at the time of the mailing of the Notice of Abandonment mailed June 2, 2008, the extendable period for reply continued to run. In fact, an Appeal Brief was filed on August 1, 2008 (certificate of mailing dated July 29, 2008). This response was made timely by an accompanying extension of time for response within the fifth month. Under the circumstances, withdrawal of the holding of abandonment is warranted.

The appeal brief fee and the extension of time fee are being charged to Deposit Account No. 50-1047, as authorized.

In view thereof, the notice of abandonment mailed June 2, 2008 and the holding of abandonment are hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 3767 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical staff to withdraw the holding of abandonment and for the examiner to respond to the appeal brief timely filed August 1, 2008.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

FAX MESSAGE FROM:

Law Offices of
SCHNECK & SCHNECK
P.O. Box 2-E
80 S. Market Street
Third Floor
San Jose, CA 95109-0005

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CENTRAL FAX CENTER
MAY 05 2009

TELEPHONE:(408) 297-9733
FAX:(408) 297-9748
EMAIL: WEBMAIL@PATENTVALLEY.COM

DATE: May 5, 2009

TO: U.S. Patent & Trademark Office

ATTN: Office of Petitions

FAX NO.: 571/273-8300

REF.: U.S. Patent Applications

THIS MESSAGE CONSISTS OF
THIS COVER SHEET PLUS 16 OTHER PAGES

To Sir or Madam:

The attached Petition for Certificate of Correction is being submitted for the below-identified patent application. If you have any questions please call our office.

U.S. Patent No. 6,647,450 - USSN 09/680,652 - our ref: CRA-001
U.S. Patent No. 6,738,837 - USSN 10/062,111 - our ref: CRA-015
U.S. Patent No. 6,708,259 - USSN 10/061,543 - our ref: CRA-019
U.S. Patent No. 6,912,673 - USSN 10/062,381 - our ref: CRA-007
U.S. Patent No. 6,874,049 - USSN 10/061,544 - our ref: CRA-016
U.S. Patent No. 6,711,655 - USSN 10/061,668 - our ref: CRA-008

Thanks,

Sally Azevedo, Patent Secretary
sally@patentvalley.com
Law Offices of Schneck & Schneck

Confidentiality Note

This facsimile may contain material that is confidential, privileged and/or attorney work product for the sole use of the intended recipient. Any review, reliance or distribution by others or forwarding without express permission is strictly prohibited. If you are not the intended recipient, please contact the sender and destroy all copies.

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: David C. Wyland
Serial No.: 10/062,381
Filed: February 1, 2002
Confirmation No.: 2586
U.S. Patent: 6,912,673

PATENT
Group Art Unit: 2114
Examiner: B.P. Bonzo
Atty. Docket No.: CRA-007
Granted: June 28, 2005

For: BUS ANALYZER UNIT WITH PROGRAMMABLE TRACE BUFFERS

Petition for Certificate of Correction
of U.S. Patent No. 6,912,673
for Applicant's Mistake (37 CFR § 1.323)
37 C.F.R. 3.81(b)

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

Sir or Madam:

This is a re-submission for a Certificate of Correction for the above-identified patent. The prior submission did not include a Petition which is now provided. A copy of the USPTO refusal is enclosed.

The following error appears in the above-identified patent and are of such a nature as to justify the issuance of a Certificate of Correction.

1. The assignee's name was inadvertently incorrectly identified as Cradle Technologies, Inc. on the face of U.S. Patent No. 6,912,673 in the appropriate space for specifying the assignee, (item 3 of the Fee(s) Transmittal Form PTOL-85B) submitted in this application on April 27, 2005.

05/06/2009 HMARZI1 00000042 190590 10062381
01 FC:1464 130.00 DA
PAGE 2/17 * RCVD AT 5/5/2009 5:06:28 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/28 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-42

2. Applicant requests the above-identified patent be corrected by Certificate of Correction to correct the name of the assignee as follows:

Cradle Technologies

3. The assignment of this application has been recorded, pursuant to 37 CFR § 3.11 before the issuance of the patent, on May 3, 2002, Reel 012891, Frame 0126 in favor of Cradle Technologies. A copy of the Notice of Recordation of Assignment Document is enclosed.

4. Included herewith is a request for a Certificate of Correction under 37 CFR § 1.323. The fee of $100 set forth in 37 CFR § 1.20(a) was previously paid in the prior Certificate of Correction submission which was refused. Please charge the processing fee set forth in 37 CFR 1.117(h) amounting to $130 to deposit account no. 19-0590. Charge any additional fees required by this paper or credit any overpayment to deposit account no. 19-0590.

5. Statement under 37 CFR § 3.73(b). The assignee is taking action to correct its name as owner of the patent as established by the assignment from the inventor identified in paragraph 3 above with reel and frame number. The undersigned is authorized to act on behalf of the assignee.

If this Petition is granted please forward the file to the Certificate of Corrections Branch. The Branch is requested to issue a Certificate of Correction, Form PTO 1050.

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via facsimile to no. (571)273-8300 Attn: Office of Petitions on the date shown below.

Signed: Sally Acevedo

Typed Name: Sally Acevedo

Date: May 5, 2009

Respectfully submitted,

Thomas Schneck

Thomas Schneck
Reg. No. 24,518
Attorney for Applicant

Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005
(408) 297-9733

PAGE 3/17 * RCVD AT 5/5/2009 5:06:28 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/28 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-42

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Alexandria, VA 22313-1450
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April 8, 2009

Patent No. : 6,912,673 B1
Application No : 10/062,381
Inventor(s) : Wyland
Issued : June 28, 2005
Title : **BUS ANALYZER UNIT WITH PROGRAMMABLE TRACE BUFFERS**

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 and/or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.F) 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: (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.

Valerie Jackson
For Mary F. Diggs
Decisions & Certificates
of Correction Branch
(703) 308-9390 ext. 114

Thomas Schneck
Law Offices of Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005

vj/MFD

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Chief Information Officer
Washington, DC 20231
www.uspto.gov

JULY 17, 2002

PTAS

LAW OFFICES OF THOMAS SCHNECK
THOMAS SCHNECK
P.O. BOX 2-E
SAN JOSE, CA 95109-0005

102094598A

UNITED STATES PATENT AND TRADEMARK OFFICE
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT DIVISION OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE ASSIGNMENT SEARCH ROOM ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT AND TRADEMARK ASSIGNMENT SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR HAVE QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT DIVISION, BOX ASSIGNMENTS, CG-4, 1213 JEFFERSON DAVIS HWY, SUITE 320, WASHINGTON, D.C. 20231.

RECORDATION DATE: 05/03/2002

REEL/FRAME: 012891/0126
NUMBER OF PAGES: 5

BRIEF: ASSIGNMENT OF ASSIGNOR'S INTEREST (SEE DOCUMENT FOR DETAILS).

ASSIGNOR:
WYLAND, DAVID C.

DOC DATE: 04/17/2002

ASSIGNEE:
CRADLE TECHNOLOGIES
3130 WEST WARREN AVENUE
FREMONT, CALIFORNIA 94538

SERIAL NUMBER: 10062381
PATENT NUMBER:

FILING DATE: 02/01/2002
ISSUE DATE:

TONYA LEE, EXAMINER
ASSIGNMENT DIVISION
OFFICE OF PUBLIC RECORDS

05-17-2002

FORM PTO-1619A
Expires 06/30/99
OMB 0651-0027

102094598

U.S. Department of Commerce
Patent and Trademark Office
PATENT

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PATENTS ONLY

5.302

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Submission Type

- [X] New
- [ ] Resubmission (Non-Recordation) Document ID#
- [ ] Correction of PTO Error Reel # Frame #
- [ ] Corrective Document Reel # Frame #

Conveyance Type

- [X] Assignment
- [ ] Security Agreement
- [ ] License
- [ ] Change of Name
- [ ] Merger
- [ ] Other

U.S. Government
(For Use ONLY by U.S. Government Agencies)
- [ ] Departmental File
- [ ] Secret File

Conveying Party(ies)

[ ] Mark if additional names of conveying parties attached

Name (line 1): David C. Wyland — Execution Date Month Day Year: 04 17 2002

Name (line 2):

Second Party
Name (line 1): — Execution Date Month Day Year:

Name (line 2):

Receiving Party

[ ] Mark if additional names of receiving parties attached

Name (line 1): CRADLE TECHNOLOGIES

Name (line 2): a California corporation

Address (line 1): 3130 West Warren Avenue

Address (line 2):

Address (line 3): Fremont (City) California (State/Country) 94538 (Zip Code)

[ ] If document to be recorded is an assignment and the receiving party is not domiciled in the United States, an appointment of a domestic representative is attached. *(Designation must be a separate document from Assignment.)*

Domestic Representative Name and Address

Enter for the first Receiving Party only.

Name:

Address (line 1):

Address (line 2):

Address (line 3):

Address (line 4):

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05/16/2002 BTDN11 00000177 10062381
01 FC:581 40.00 OP

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Mail documents to be recorded with required cover sheet(s) information to:
Commissioner of Patents and Trademarks, Box Assignments , Washington, D.C. 20231

FORM PTO-1619B
Expires 05/30/99
OMB 0651-0027

Page 2

U.S. Department of Commerce
Patent and Trademark Office
PATENT

Correspondent Name and Address Area Code and Telephone Number (408) 297-9733

Name: Thomas Schneck

Address (line 1): Law Offices of Thomas Schneck

Address (line 2): P.O. Box 2-E

Address (line 3): San Jose, CA 95109-0005

Address (line 4):

Pages Enter the total number of pages of the attached conveyance document including any attachments. # 5

Application Number(s) or Patent Number(s) ☐ Mark if additional numbers attached

Enter either the Patent Application Number or the Patent Number (DO NOT ENTER BOTH numbers for the same property).

Patent Application Number(s)			Patent Number(s)		
10/062,381					

If this document is being filed together with a new Patent Application, enter the date the patent application was signed by the first named executing inventor. Month Day Year

Patent Cooperation Treaty (PCT)

Enter PCT application number only if a U.S. Application Number has not been assigned.

PCT PCT PCT

PCT PCT PCT

Number of Properties Enter the total number of properties involved. # 1

Fee Amount Fee Amount for Properties Listed (37 CFR 3.41): $ 40.00

Method of Payment: Enclosed ☒ Deposit Account ☐

Deposit Account

(Enter for payment by deposit account or if additional fees can be charged to the account.)

Deposit Account Number: # 19-0590

Authorization to charge additional fees: Yes ☒ No ☐

Statement and Signature

To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document. Charges to deposit account are authorized, as indicated herein.

Thomas Schneck — April 24, 2002

Name of Person Signing — Signature — Date

A S S I G N M E N T

WHEREAS, the undersigned, DAVID C. WYLAND, having an address of 15213 Bowden Court, Morgan Hill, County of Santa Clara, State of California 95037 (hereinafter termed Assignor) has invented certain new and useful improvements in an invention entitled: BUS ANALYZER UNIT WITH PROGRAMMABLE TRACE BUFFERS; filed on February 1, 2002 and assigned Serial No. 10/062,381;

WHEREAS, CRADLE TECHNOLOGIES, a corporation of the State of California, having an address of 3130 West Warren Avenue, Fremont, California 94538 (hereinafter termed Assignee) is desirous of acquiring the entire right, title and interest in and to said application and said invention and improvements thereon, and in and to Letters Patent thereon when granted in the United States and foreign countries;

NOW, THEREFORE, in consideration of the sum of One Dollar ($1.00) and for other good and valuable consideration received by said Assignor from said Assignee, the receipt and sufficiency of which in full are hereby acknowledged by said Assignor:

1. Said Assignor does hereby sell, assign, transfer and convey unto said Assignee, the entire right, title and interest in and to said application and said invention and in and to any and all improvements on said invention heretofore or hereafter made or acquired by said Assignor; and in and to any and all Letters Patent on said invention and/or said improvements that may be granted in the United States or any foreign country,

PAGE 9/17 * RCVD AT 5/5/2009 5:06:28 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/28 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-42

including each and every Letters Patent granted on any application which is a division, continuation, substitution, renewal, or continuation-in-part of any of said application specifically identified herein, and in and to each and every reissue or extension of said Letters Patent.

2. Said Assignor hereby covenants and agrees to cooperate with said Assignee whereby said Assignee may enjoy to the fullest extent the right, title and interest herein conveyed. Such cooperation shall include (a) prompt execution of all papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee to perfect in it the right, title and interest herein conveyed; (b) prompt execution of all petitions, oaths, specifications or other papers (prepared at the expense of Assignee) which are deemed necessary or desirable by Assignee for prosecuting said application, for filing and prosecuting divisional, continuation, substitution, renewal, continuation-in-part, or additional applications in the United States and/or foreign countries covering said invention and/or said improvements, for filing and prosecuting applications for reissuance of Letters Patent included herein, or for interference proceedings involving said invention and/or said improvements; (c) prompt assistance and cooperation in the prosecution of interference proceedings involving said invention and/or said improvements and in the adjudication of said Letters Patent, particularly by the disclosure of facts and the production of evidence relating to said invention and/or said improvements, provided the expenses which may be incurred by said Assignor in lending such assistance and cooperation shall be paid by the Assignee.

PAGE 10/17 * RCVD AT 5/5/2009 5:06:28 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/28 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-42

3. The terms, covenants and conditions of this Assignment shall inure to the benefit of said Assignee, its successors, assigns and/or other legal representatives, and shall be binding upon said Assignor, his heirs, legal representatives and assigns.

4. Said Assignor hereby warrants and represents that he has not entered into any assignment, contract or understanding in conflict therewith.

IN WITNESS WHEREOF, this said Assignor has executed and delivered this instrument on this 17 day of APRIL, 2002.

DAVID C. WYLAND

State of California)
County of San Mateo) s.s.
Alameda

On April 17, 2002 before me C. GRANDBOIS, NOTARY PUBLIC personally appeared DAVID C. WYLAND, personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

CAMILLE GRANDBOIS
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 1249667
ALAMEDA COUNTY
My Comm. Exp. January 14, 2004

Signature _____ (Seal)

PAGE 11/17 * RCVD AT 5/5/2009 5:06:28 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/28 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-42

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patentee: David C. Wyland
Serial No.: 10/062,381
Filed: February 1, 2002
Confirmation No.: 2586
U.S. Patent: 6,912,673

PATENT
Group Art Unit: 2114
Examiner: B.P. Bonzo
Atty. Docket No.: CRA-007
Granted: June 28, 2005

For: BUS ANALYZER UNIT WITH PROGRAMMABLE TRACE BUFFERS

Request for Certificate of Correction
of U.S. Patent No. 6,912,673
for Applicant's Mistake (37 CFR § 1.323)

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

Sir or Madam:

The following error appears in the above-identified patent and are of such a nature as to justify the issuance of a Certificate of Correction.

1. The assignee's name was incorrectly identified as Cradle Technologies, Inc. on the face of U.S. Patent No. 6,912,673 in the appropriate space for specifying the assignee, (item 3 of the Fee(s) Transmittal Form PTOL-85B) submitted in this application on April 27, 2005.

2. Applicant requests the above-identified patent be corrected by Certificate of Correction to correct the name of the assignee as follows:

Cradle Technologies

PAGE 12/17 * RCVD AT 5/5/2009 5:06:28 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/28 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-42

3. The assignment of this application was been recorded, pursuant to 37 CFR § 3.11 before the issuance of the patent, on May 3, 2002, Reel 012891, Frame 0126 in favor of Cradle Technologies.

4. Included herewith is a request for a Certificate of Correction under 37 CFR § 1.323 along with the fee of $100 set forth in 37 CFR § 1.20(a). Charge any additional fees required by this paper or credit any overpayment to deposit account no. 19-0590.

5. Statement under 37 CFR § 3.73(b). The assignee is taking action to correct its name as owner of the patent as established by the assignment from the inventor identified in paragraph 3 above with reel and frame number. The undersigned is authorized to act on behalf of the assignee.

Please issue a Certificate of Correction, Form PTO 1050.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) on the date shown below.

Signed: Sally Azevedo
Typed Name: Sally Azevedo

Date: April 3, 2009

Respectfully submitted,

Thomas Schneck
Reg. No. 24,518
Attorney for Applicant

Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005
(408) 297-9733

PAGE 13/17 * RCVD AT 5/5/2009 5:06:28 PM [Eastern Daylight Time] * SVR:USPTO-EFXRF-5/28 * DNIS:2738300 * CSID:408 297 9748 * DURATION (mm-ss):02-42

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 : 6,912,673 B1
DATED : June 28, 2005
INVENTOR(S) : David C. Wyland

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

Cover page at Item (73) Assignee reads "Cradle Technologies, Inc.", should read:
--- Cradle Technologies ---.

MAILING ADDRESS OF SENDER: Thomas Schneck
Law Offices of Schneck & Schneck
P.O. Box 2-E
San Jose, CA 95109-0005

PATENT NO. 6,912,673 B1

No. of additional copies
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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.

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Electronic Acknowledgement Receipt

EFS ID:	5096655
Application Number:	10062381
International Application Number:	
Confirmation Number:	2586
Title of Invention:	BUS ANALYZER UNIT WITH PROGRAMMABLE TRACE BUFFERS
First Named Inventor/Applicant Name:	David C. Wyland
Customer Number:	03897
Filer:	Thomas Schneck/Sally Azevedo
Filer Authorized By:	Thomas Schneck
Attorney Docket Number:	CRA-007
Receipt Date:	03-APR-2009
Filing Date:	01-FEB-2002
Time Stamp:	19:06:51
Application Type:	Utility under 35 USC 111(a)

Payment information:

Submitted with Payment	yes
Payment Type	Credit Card
Payment was successfully received in RAM	$100
RAM confirmation Number	4403
Deposit Account	190590
Authorized User	SCHNECK,THOMAS
The Director of the USPTO is hereby authorized to charge indicated fees and credit any overpayment as follows: Charge any Additional Fees required under 37 C.F.R. Section 1.21 (Miscellaneous fees and charges)	

File Listing:

Document Number	Document Description	File Name	File Size(Bytes)/ Message Digest	Multi Part /.zip	Pages (if appl.)
1	Request for Certificate of Correction	CRA-007RequestCorr.pdf	144440 dd1960ee6512768a8320e028ab46cc52595f20e5	no	3
Warnings:					
Information:					
2	Fee Worksheet (PTO-06)	fee-info.pdf	30158 9b9068595c07e4df1e4210f39f3ssb0af229e6b2	no	2
Warnings:					
Information:					
		Total Files Size (in bytes):	174598		

This Acknowledgement Receipt evidences receipt on the noted date by the USPTO of the indicated documents, characterized by the applicant, and including page counts, where applicable. It serves as evidence of receipt similar to a Post Card, as described in MPEP 503.

New Applications Under 35 U.S.C. 111
If a new application is being filed and the application includes the necessary components for a filing date (see 37 CFR 1.53(b)-(d) and MPEP 506), a Filing Receipt (37 CFR 1.54) will be issued in due course and the date shown on this Acknowledgement Receipt will establish the filing date of the application.

National Stage of an International Application under 35 U.S.C. 371
If a timely submission to enter the national stage of an international application is compliant with the conditions of 35 U.S.C. 371 and other applicable requirements a Form PCT/DO/EO/903 indicating acceptance of the application as a national stage submission under 35 U.S.C. 371 will be issued in addition to the Filing Receipt, in due course.

New International Application Filed with the USPTO as a Receiving Office
If a new international application is being filed and the international application includes the necessary components for an international filing date (see PCT Article 11 and MPEP 1810), a Notification of the International Application Number and of the International Filing Date (Form PCT/RO/105) will be issued in due course, subject to prescriptions concerning national security, and the date shown on this Acknowledgement Receipt will establish the international filing date of the application.

United States Patent and Trademark Office

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Expires	11/2011
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City	San Jose
State	CALIFORNIA
Country	UNITED STATES
ZIP/Postal Code	95109
Telephone Number	4082979733

Select an authorized user for this account *(all items are required)*: SCHNECK,THOMAS

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Paper No. 5

MARGER JOHNSON & MCCOLLOM PC
1030 SW MORRISON STREET
PORTLAND, OR 97205

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APR 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Daly :
Application No. 10/062,387 :
Filed: February 1, 2002 :
Attorney Docket No. 8371-147 :

GRANT OF PETITION
UNDER 37 CFR 1.78(a)(3)

This is a decision on the petition under 37 CFR 1.78(a)(3), filed June 24, 2003, to accept an unintentionally delayed claim for the benefit of the filing date of the prior-filed application set forth in the concurrently filed amendment.

The petition is **granted**.

When an application is filed on or after November 29, 2000, benefit claims under 35 U.S.C. 119(e), 120, 121 and 365(c) must be made during the pendency of the application and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior application. For the instant application, the above period of time ended on June 1, 2002. The priority claim at issue was not made by this date. However, petitioner has submitted a petition under 37 CFR 1.78(a)(3).

37 CFR 1.78(a)(3) states,

If the reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section is presented in a nonprovisional application after the time period provided by paragraph (a)(2)(ii) of this section, the claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed copending nonprovisional application or international application designating the United States of America may be accepted if the reference identifying the prior-filed application by application number or international application number and international filing date was unintentionally delayed. A petition to accept an unintentionally delayed claim under 35 U.S.C. 120, 121, or 365(c) for the benefit of a prior-filed application must be accompanied by:

(i) The reference required by 35 U.S.C. 120 and paragraph (a)(2) of this section to the prior-filed application, unless previously submitted;
(ii) The surcharge set forth in § 1.17(t); and
(iii) A statement that the entire delay between the date the claim was due under paragraph (a)(2)(ii) of this section 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.

Petitioner has satisfied the above requirements for relief under 37 CFR 1.78(a)(3).

The granting of this petition is not a determination that petitioner is actually entitled to the benefit of the filing date of the prior-filed application, but is only a determination that the Office will allow petitioner to file an untimely claim for priority. The examiner will, in due course, consider any priority claims and determine the extent to which the application is entitled to an earlier filing date.

A corrected Filing Receipt, which includes the priority claim, accompanies this decision on petition.

This application is being forwarded to Technology Center Art Unit 2622 for appropriate action on the amendment submitted June 24, 2003, including consideration by the examiner of the claims for priority. **The examiner should consider the priority claims and determine the extent to which the application is entitled to an earlier filing date based on the prior-filed application.**[1]

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (703) 306-5683.

Charles Pearson
Director
Office of Petitions

Attached: Corrected Filing Receipt

[1] For example, the examiner should verify such issues as copendency, common inventor, common subject matter, etc.

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ARENT FOX KINTNER PLOTKIN & KAHN, PLLC
1050 CONNECTICUT AVENUE NW, SUITE 600
WASHINGTON, DC 20036-5339

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DEC 17 2008

In re Application of :
Kazuyoshi **ARIMURA** :
Application No. 10/062,423 : DECISION GRANTING PETITION
Filed: February 5, 2002 : UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. **024016-00026** :

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 11, 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 December 3, 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]

There is no indication that the person signing the petition was ever given a power of attorney or authorization of agent to prosecute the above-identified application. However, the signature of Juliana Haydoutova appearing on the petition shall constitute a representation to the United States Patent and Trademark Office that she is authorized to represent the particular party on whose behalf she acts in accordance with 37 CFR 1.34(a).

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2617 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
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Alexandria, VA 22313-1450
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Paper No. 11

THOMAS N. TWOMEY, ESQ.
DELPHI TECHNOLOGIES, INC.
M/C 480 410 202
P.O. BOX 5052
TROY, MI 48098-5052

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AUG 1 0 2004

OFFICE OF PETITIONS

In re Application of :
Mendenhall et al. :
Application No. 10/062,438 : ON PETITION
Filed: February 5, 2002 :
Attorney Docket No. DP-305969 :

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 28, 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 submit formal drawings and the issue fee in a timely manner in reply to the Notice of Allowability and Notice of Allowance mailed September 22, 2003. Accordingly, the above-identified application became abandoned on December 23, 2003. A Notice of Abandonment was mailed on January 26, 2004.

A grantable petition under 37 CFR 1.137(b) must be accompanied by:
(1) the required reply,[1]
(2) the petition fee,
(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, and
(4) a terminal disclaimer and fee if the application was filed on or before June 8, 1995 or if the application is a design application.

Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information.[2]

---

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

[2] See MPEP 711.03(c)(III)(C) and (D).

The instant petition lacks item (1). The Office acknowledges submission of the PTOL 85b and payment of the issue fee. However, the Notice of Allowability issued by the Examiner required correct formal drawings to be submitted as well. Petitioner must submit these drawings before the above-identified application can be revived. A copy of the Notice of Draftsperson's Patent Drawing Review is enclosed for petitioner's convenience.

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 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

Enclosure: Notice of Draftsperson's Patent Drawing Review – PTO-948

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THOMAS N. TWOMEY ESQ.
DELPHI TECHOLOGIES INC.
M/C 480 410 202
P.O. BOX 5052
TROY MI 48098-5052

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FEB 0 3 2005

OFFICE OF PETITIONS

In re Application of	:	
Mendenhall et al.	:	
Application No. 10/062,438	:	ON PETITION
Filed: February 5, 2002	:	
Attorney Docket No. DP-305969	:	

This is a decision on the renewed petition under 37 C.F.R. § 1.137(b), filed January 14, 2005, to revive the above-identified application.

The petition is **GRANTED.**

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

This matter is being referred to the Publishing Division for processing into a patent.

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
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Paper No. 19

COOLEY GODWARD LLP
ATTN: PATENT GROUP
11951 FREEDOM DRIVE, SUITE 1700
ONE FREEDOM SQUARE - RESTON TOWN CENTER
RESTON, VA 20190-5061

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JUL 3 0 2003

OFFICE OF PETITIONS

In re Application of :
Matthew Isom et al :
Application No. 10/062,508 : ON PETITION
Filed: February 5, 2002 :
Attorney Docket No. GRAY025/00US

This is a decision on the petition, filed July 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 May 8, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to 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 3765 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
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ALEXANDRIA, VA 22313-1450
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HUMAN GENOME SCIENCES INC
INTELLECTUAL PROPERTY DEPT.
14200 SHADY GROVE ROAD
ROCKVILLE, MD 20850

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MAR 30 2005

OFFICE OF PETITIONS

In re Application of	:	
Ruben et al.	:	DECISION ON APPLICATION
Application No. 10/062,523	:	for
Filed: February 5, 2002	:	PATENT TERM ADJUSTMENT
Attorney Docket No. PF448P2	:	

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 C.F.R. § 1.705(b)," filed July 16, 2004. Applicants request that the initial determination of patent term adjustment under 35 U.S.C. 154(b) be corrected from ninety-six (96) days to one hundred thirty-five (135) days. In addition, applicants request reimbursement of the fee paid pursuant to § 1.18(e).

The application for patent term adjustment is **DISMISSED**. The fee is required and will not be refunded.

On May 21, 2004, the Office mailed the Determination of Patent Term Adjustment under 35 U.S.C. 154(b) in the above-identified application. The Notice stated that the patent term adjustment (PTA) to date is 96 days. On July 16, 2004, applicants timely submitted the instant application for patent term adjustment[1]. Applicants state that the period of adjustment of 135 days should not have been reduced by 39 days for filing of an IDS after a reply had been filed. See § 1.704(c)(8). Applicants contend that pursuant to § 1.704(d), the filing of the supplemental IDS should not be considered a failure to engage in reasonable efforts to conclude prosecution of this application under 37 C.F.R. § 1.704(c)(6).

[1] PALM records show that the Issue Fee was also received on July 16, 2004.

Applicants state that the patent issuing from this application is not subject to a terminal disclaimer.

Pursuant to 37 CFR § 1.704(c)(8), the submission of a supplemental reply or other paper, other than a supplemental reply or other paper expressly requested by the examiner, after a reply has been filed, is a failure to engage in reasonable efforts to conclude prosecution. It is undisputed that after filing a response on September 22, 2003, on October 31, 2003, applicants filed a supplemental Information Disclosure Statements (IDS). The record does not support a conclusion that the IDS was expressly requested by the examiner.

A review of the IDS filed October 31, 2003, reveals that it did not include a § 1.704(d) statement[1]. Specifically, the IDS was accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application not more than three (3) months (emphasis added). However, the required statement states, in pertinent part, that:

> Each item of information contained in the information disclosure statement was cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than *thirty* days prior to the

---

[1] Applicants are reminded that § 1.704(d) was revised, effective May 24, 2004, as follows:

> A paper containing only an information disclosure statement in compliance with §§ 1.97 and 1.98 will not be considered a failure to engage in reasonable efforts to conclude prosecution (processing or examination) of the application under paragraphs (c)(6), (c)(8), (c)(9), or (c)(10) of this section if it is accompanied by a statement that each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart application and that this communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. This thirty-day period is not extendable.

This revision requires that the statement include the language "each item of information contained in the information disclosure statement was first cited ..." for the exception to apply. See 69 FR 21704, Apr. 22, 2004.

> filing of the information disclosure statement. This thirty-day period is not extendable.
>
> *Emphasis* added.

The statement in the IDS filed October 31, 2003 that:

> listed references were cited in a European Search Report (reference BD) mailed October 15, 2003, in connection with a corresponding international application

is not tantamount to a statement that the communication was not received by any individual designated in § 1.56(c) more than thirty days prior to the filing of the information disclosure statement. Nor has a proper party made such a statement on request for reconsideration of patent term adjustment. Accordingly, it is concluded that a period of reduction of 39 days pursuant to § 1.704(c)(8)(not § 1.704(c)(6)) was properly entered for the filing of the IDS on October 31, 2003.

In view thereof, the determination of patent term adjustment at the time of the mailing of the notice of allowance is 96 days.

Receipt of the $200.00 fee set forth in 37 CFR 1.18(e) is acknowledged. No additional fees are required.

The application is being forwarded to the Office of Patent Publication for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Nancy Johnson, Senior Petitions Attorney, at (571) 272-3219.

Karin Ferriter
Senior Legal Advisor
Office of Patent Legal Administration
Office of Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

HUMAN GENOME SCIENCES, INC.
14200 SHADY GROVE ROAD
ROCKVILLE MD 20850

In re Patent No. 7,012,134	:	
Ruben et al.	:	DECISION ON REQUEST
Issue Date: March 14, 2006	:	FOR RECONSIDERATION OF
Application No. 10/062,523	:	PATENT TERM ADJUSTMENT
Filed: February 5, 2002	:	and
Atty Docket No. PF448P2	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(d)" filed April 20, 2006. Patentees request that the Patent Term Adjustment for the above-identified patent be set at 579 days.

The request for reconsideration of the 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 five hundred seventy-nine (579) days.

On March 14, 2006, the above-identified application matured into U.S. Patent No. 7,012,134. The instant request for reconsideration filed April 20, 2006, was timely filed within 2 months of the date the patent issued. See § 1.705(d). The Patent issued with a revised Patent Term Adjustment of 459 days. Patentees contend that there were no circumstances within this case history that constitute a failure by the Patentees to engage in reasonable efforts to conclude processing or examination of the above-identified application as set forth in 37 CFR § 1.704. In essence, Patentees' dispute the sole reduction of record, one for 120 days associated with the filing

of a "miscellaneous incoming letter" received in the Office on July 16, 2004. Patentees state that no papers other than the issue fee and a petition under 37 CFR § 1.705(b) were filed in response to the notice of allowance and thus, no reduction is warranted.

Patentees' contention is well taken.

> 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. 37 CFR § 1.704(e).

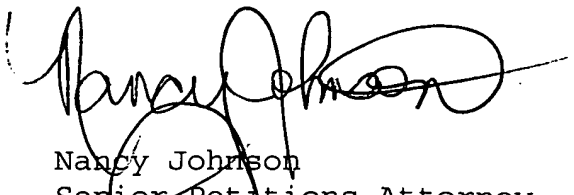
A review of the record reveals that no papers, other than those identified by Patentees above, were filed on July 16, 2004.

In view thereof, the patent term adjustment indicated on the patent should be five hundred seventy-nine (579) days.

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

The application 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 FIVE HUNDRED SEVENTY-NINE (579) days.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.



Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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DIW 09-02

Paper No. 8

FULBRIGHT & JAWORSKI, L.L.P.
MICHAEL A. PAPALAS
SUITE 2800
2200 ROSS AVENUE
DALLAS TX 75201

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SEP 0 5 2002

OFFICE OF PETITIONS

In re Application of	:
Mendez, Pacheco, Montesanto,	:
Perelman, Wang, and Zweiback	: DECISION ACCORDING STATUS
Application No. 10/062,577	: UNDER 37 CFR 1.47(a)
Filed: 30 January, 2002	:
Atty Dkt No. 60901-P007US-10103166	:

This is in response to the petition filed under 37 CFR 1.47(a) on 1 July, 2002 (certificate of mailing date 24 June, 2002).

The petition is **GRANTED**.

Petitioners have shown that the non-signing inventor, Gershon Perelman, has refused to join in the filing of the above-identified application after having been sent a copy of the application papers. Specifically, the statement of Genie Criscione, Executive Administator, Phaethon Communications, Inc., establishes that a copy of the above-identified application was sent to the non-signing inventor's last known address. Additionally, petitioners have shown that the non-signing has failed to sign the declaration naming him as a joint inventor along with Alexis Mendez, Mario Pacheco, Steve Montesanto, William Wang, and Jason Zweiback.

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

The Power of Attorney by the Assignee filed with the present petition cannot be accepted because the assignment has not been signed by all of the inventors. Specifically, non-signing inventor Perelman has not signed the assignment.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries related to this decision should be directed to the undersigned at 703-308-6918.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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DIW 09-02

Gershon Perelman
1554 Primrose Way
Cupertino, CA 95014

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SEP 0 5 2002

OFFICE OF PETITIONS

In re Application of
Mendez et al.
Application No. 10/062,577
Filed: 30 January, 2002
For: OPTICAL FIBER BRAGG GRATING TUNING DEVICE

Dear Mr. Perelman:

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 703/308-6918. 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).

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

FULBRIGHT & JAWORSKI, L.L.P.
MICHAEL A. PAPALAS
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2200 ROSS AVENUE
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/062,604	01/31/2002	Bradley Mells	6634-82775	3435

7590 05/06/2004

Welsh & Katz, Ltd.
Jon P. Christensen
22nd Floor
120 South Riverside Plaza
Chicago, IL 60606

EXAMINER	
CONNOLLY, PATRICK J	
ART UNIT	PAPER NUMBER
2877	

DATE MAILED: 05/06/2004

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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office

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

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
10/062,604			

EXAMINER	
ART UNIT	PAPER NUMBER

DATE MAILED:

NOTICE OF ABANDONMENT

This application is abandoned in view of:

☐ Applicant's failure to timely file a proper reply to the Office letter mailed on _____.

- ☐ A reply (with Certificate of Mailing or Transmission of _____) was received on _____ which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
- ☐ A proposed reply was received on _____ , but it does not constitute a proper reply under 37 CFR 1.113 to the final rejection.
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
- ☐ A reply was received on _____ , but it does not constitute a proper reply, or a *bona fide* attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in the last box below).
- ☐ No reply has been received.

☒ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).

- ☐ The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85)(or Notice of Publication Fee Due).
- ☐ The submitted fee of $_____ is insufficient. A balance of $ _____ is due.
The issue fee by 37 CFR 1.18 is $_____ . The publication fee, if required, by 37 CFR 1.18(d) is $_____.
- ☒ The issue fee and publication fee, if applicable, have not been received.

☐ Applicant's failure to timely file corrrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTOL-37).

- ☐ Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
- ☐ No corrected drawings have been received.

☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all the applicants.

☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon filing of a continuing application.

☐ The decision by the Board of Patent Appeals and Interferences rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.

☐ The reason(s) below: _____

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

PTO-1432 (07/01)

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ELIZA I STEFANIW
PO BOX 70110
WASHINGTON DC 20024

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OFFICE OF PETITIONS

In re Application of
Bradley Wells :
Application No. 10/062,604 : DECISION ON
Filed: January 31, 2002 : PETITION
Attorney Docket No. TIP/FS1 :

This is in response to the petition to revive under 37 CFR 1.137(b), filed October 21, 2004.

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

The above-identified application became abandoned for failure to timely pay the issue fee as required by the Notice of Allowance mailed on December 23, 2003. This notice set a statutory period for reply of three months. No issue fee having been received, the above-identified application became abandoned on March 24, 2004. A Notice of Abandonment was mailed on May 6, 2004.

With the instant petition, petitioner paid the petition and issue fees and made the proper statement of unintentional delay.

The power of attorney submitted with the instant petition has been entered. Future correspondence concerning this application will be mailed to the above address of record.

The application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

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Paper No. 4

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JUL 0 2 2002

OFFICE OF PETITIONS

Christopher J. Gaspar, Esq.
Milbank, Tweed, Hadley & McCloy LLP
One Chase Manhattan Plaza
New York, NY 10005

In re Application of
McLellan, et al.
Application No. 10/062,650
Filed: January 31, 2002
Attorney Docket No.: 36080.01101
For: ENCAPSULATED INTEGRATED CIRCUIT PACKAGE AND METHOD OF MANUFACTURING AN INTEGRATED CIRCUIT PACKAGE

ON PETITION

This is a decision on the petition filed April 29, 2002 in response to the Notice of Omitted Item(s) in a Nonprovisional Application ("Notice") mailed April 12, 2002.

The Notice stated that the application had been accorded a filing date of January 31, 2002, but that page 1 and page 2 of the specification appeared to have been omitted from the application. The Notice set forth a two (2) month non-extendable period of time for applicant to either: (1) promptly establish prior receipt in the PTO of the missing item (generally by way of a date-stamped postcard receipt (MPEP 503)), or (2) promptly submit the omitted item and accept the date of such submission as the application filing date. An applicant asserting that the missing item was in fact deposited in the PTO with the application papers must file a petition (and the appropriate petition fee) with evidence of such deposit. An applicant desiring to submit the omitted item and accept the date of such submission as the application filing date must file any omitted item with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such item and a petition under 37 CFR 1.182 (with the petition fee under 37 CFR 1.17(h)) requesting the later filing date within two months of the date of the Notice (37 CFR 1.181(f)).

Petitioner argues that the application as filed included page 1 and page 2 as indicated on the return receipt postcard date stamped by the Office acknowledging receipt of 9 pages of specification. Petitioner has included a copy of the postcard acknowledging receipt of the missing pages along with a copy of the missing pages.

The original page 1 and page 2 submitted with the application papers have not been located. However, in view of the evidence presented, the petition to include page 1 and page 2 in the application is **GRANTED**.

No fee is due in connection with this matter. The previously submitted $130.00 petition fee has been refunded to deposit account No. 13-3250 as authorized in the instant petition.

Since the original page 1 and page 2 cannot be located in the Office, the copy supplied with the instant petition will be used for examination purposes.

This application will be forwarded to Office of Initial Patent Examination for further processing with a filing date of January 31, 2002.

Telephone inquiries related to this decision may be directed to Petitions Attorney Alesia M. Brown at (703) 305-0310.

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

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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

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OFFICE OF PETITIONS

In re Application of Hiroi et al. :
Application No. 10/062,666 : DECISION ON PETITION
Filing Date: February 5, 2002 : UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 501.41125X00 :

This is a decision on the petition under 37 CFR 1.78(a)(3), filed December 18, 2006, 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 with the 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;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

All of the above requirements having been satisfied, the late claim for priority under 35 U.S.C. § 120 is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed application under 37 CFR 1.78(a)(3) should not be construed as meaning that this application is entitled to the benefit of the prior-filed application. In order for this 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 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 2881 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed application.

Any inquiries concerning this decision may be directed to Senior Petitions Attorney Steven Brantley at (571) 272-3203. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

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United States Patent and Trademark Office
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Alexandria, Virginia 22313-1450
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APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/062,666	02/05/2002	2881	812	501.41125X00	7	24	3

CONFIRMATION NO. 4688

20457
ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-3873

CORRECTED FILING RECEIPT

OC000000022732094

OC000000022732094

Date Mailed: 03/02/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).**

Applicant(s)

Takashi Hiroi, Yokohama, JAPAN;
Masahiro Watanabe, Yokohama, JAPAN;
Asahiro Kuni, Tokyo, JAPAN;
Maki Tanaka, Yokohama, JAPAN;
Munenori Fukunishi, Yokohama, JAPAN;
Hiroshi Miyai, Hitachi, JAPAN;
Yasuhiko Nara, Hitachinaka, JAPAN;
Mitsunobu Isobe, Machida, JAPAN;

Power of Attorney: The patent practitioners associated with Customer Number **020457**.

Domestic Priority data as claimed by applicant

This application is a CIP of 09/450,856 11/29/1999 PAT 6,476,913

Foreign Applications

JAPAN 2001-298910 09/28/2001

If Required, Foreign Filing License Granted: 04/02/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/062,666

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

Pattern inspection method and system therefor

Preliminary Class

250

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

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

GRANTED

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

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

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other

agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

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

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FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

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OFFICE OF PETITIONS

In re Application of :
Eric Ryba : DECISION ON PETITION
Application No. 10/062,678 :
Filed: February 1, 2002 :
Attorney Docket No. 10107/00701 :

This is a decision on the "Petition to Withdraw Holding of Abandonment under 37 CFR 1.181 or, in the Alternative, for Revival of an Unintentionally Abandoned Application, filed May 9, 2005. The petition was recently forwarded to the Office of Petitions for a decision on the merits. The Office sincerely apologizes for any inconvenience.

This application became abandoned on April 19, 2005, for failure to pay the issue and publication fees as required by the Notice of Allowance and Fee(s) Due mailed on January 18, 2005, which set a three (3) month statutory period for reply.

PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

In the present petition, petitioners requested that the Office withdraw the holding of abandonment because they did not receive the Notice of Allowance and Fee (s) Due. Specifically, petitioners' attorney, Patrick J. Fay, stated that he conducted a thorough search of the file for this case and was unable to locate the Notice of Allowance or any part of that mailing. In addition, Mr. Fay stated that his law firm's docketing system did not include a record of the Notice of Allowance. A copy of the report from the docketing system accompanies the petition. Mr. Fay asserted that the report did not include an indication that his firm received any correspondence in this application after the receipt of the Office Action mailed on September 4, 2004.

A review of the records of the USPTO reveals that, on filing the application, petitioners indicated the address of record as Fay Kaplun & Marcin, LLP, 100 Maiden Lane, 17th Floor, New York, NY 10038. However, the reply submitted on September 3, 2003, in response to the Office action of March 23, 2003, contained an address of Fay Kaplun & Marcin, LLP, 150 Broadway, Suite 702, New York, NY 10038. The Office notes that petitioners did not file a change of correspondence with the USPTO on September 3, 2003. Moreover, the record reveals that petitioners did not submit a change of correspondence address until May 9, 2005, after the Office had mailed the Notice of Allowance.

The showing of record is insufficient to warrant withdrawal of the holding of abandonment. It is obvious that petitioners did not receive the Notice of Allowance because they failed to timely file a change of correspondence address with the USPTO prior to the mailing of the Notice of Allowance. Accordingly, the petition to withdraw the holding of abandonment is **dismissed**.

PETITION UNDER 37 CFR 1.137(b)

In the alternative, petitioners requested that the Office revive the application due to unintentional abandonment. The provisions of 37 CFR 1.137(b) provide that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b).

In this instance, petitioners have met the requirements of 37 CFR 1.137(b). Petitioners paid the issue, publication and petition fees and made an acceptable statement of unintentional delay. Accordingly, the petition under 37 CFR 1.137(b) is **granted.**

This application is being forwarded to the Office of Patent Publication for processing into a patent.

Telephone inquiries concerning the issuance of the application into a patent should be directed to the Office of Patent Publication, Customer Service at (703) 305-8497.

Telephone inquiries specifically concerning this decision should be directed to the undersigned at (571) 272-3211.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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Paper No.

Mandel & Adriano
55 S. Lake Avenue
Suite 710
Pasadena, CA 91101

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MAR 19 2004
OFFICE OF PETITIONS

In re Application of :
Charles L. Sawyers, et al. :
Application No. 10/062,684 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. 30435.53USD3 :

This is in response to the petition under 37 CFR 1.47(a), filed December 29, 2003.

The petition is granted.

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

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

As provided in 37 CFR 1.47(a), this Office will forward notice of this application's filing to the non-signing inventor at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application file is being forwarded to Technology Center 1600.

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

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

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Dr. Karen Klein
174 Denslow Avenue
Los Angeles, CA 90049

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In re Application of
Charles L. Sawyers; Karen A. Klein; Owen N. Witte; and Robert E. Reiter
Application No. 10/062,684
Filed: January 30, 2002
For: METHODS OF SIMULATING HUMAN PROSTATE CANCER PROGRESSION

Dear Dr. Klein:

You are named as a joint inventor in the above-identified United States patent application, filed under the provisions of 35 U.S.C. 116 (United States Code), and 37 CFR 1.47(a), Rules of Practice in Patent Cases. Should a patent be granted on the application you will be designated therein as a joint inventor.

As a named inventor you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent attorney or agent presenting written authorization from you. If you care to join the application, counsel of record (see below) would presumably assist you. Joining the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Telephone inquiries regarding this communication should be directed to Marianne Morgan at (703) 306-3475. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to the Certification Division at (703) 308-9726 or 1 (800) 972-6382 (outside the Washington, DC area).

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

cc: Mandel & Adriano
55 S. Lake Avenue, Suite
Pasadena, CA 91101

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Paper No.

Townsend and Townsend and Crew LLP
Two Embarcadero Center, Eighth Floor
San Francisco, CA 94111-3834

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OFFICE OF PETITIONS

In re Application of :
Charles L. Sawyers, et al. :
Application No. 10/062,738 : ON PETITION
Filed: January 30, 2002 :
Attorney Docket No. 02307K-141316US :

This is in response to the petition under 37 CFR 1.47(a), filed December 22, 2003, which is being treated as a petition under 37 CFR 1.183 seeking waiver of the provisions of 37 CFR 1.67(a)(1) which states that a supplemental oath or declaration must be executed by all the named inventors.

The petition is granted.

MPEP § 603 provides that, "[w]hen an inventor who executed the original declaration is refusing or cannot be found to execute a required supplemental declaration, it is possible that the requirement may be suspended or waived in accordance with 37 CFR 1.183." Therefore, the submission of a petition under 37 CFR 1.47(a) is not the appropriate avenue of relief in this instance. Accordingly, the petition has been treated as a petition under 37 CFR 1.183 to waive the provisions of 37 CFR 1.67(a)(1) for a supplemental declaration executed by all the named inventors.

The Office action mailed July 16, 2003 stated that, "[a] new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required."

In reply, the instant petition, along with a declaration executed by three of the four inventors, was submitted. The petition states that Dr. Klein refuses to sign the declaration and evidence supporting such a statement has also been supplied.

Under the circumstances recounted in the instant petition, justice would be served by suspending the requirements of 37 CFR 1.67(a). Accordingly, the substitute declaration received December 22, 2003 and signed by three of the four named inventors is accepted as a proper oath under 37 CFR 1.67(a).

Any inquiries concerning this decision on petition may be directed to Marianne Morgan at (703) 306-3475. Any questions concerning the examination procedures or status of this application should be directed to Technology Center Art Unit 1632.

The application file is being forwarded to Technology Center 1600.

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

Marianne E. Morgan

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

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KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
FOURTEENTH FLOOR
IRVINE CA 92614

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OFFICE OF PETITIONS

In re Application of :
Shiho Wang, et al. :
Application No. 10/062, 746 : DECISION ON PETITION
Filed: February 1, 2002 : TO WITHDRAW
Attorney Docket No. SITECH.019A : 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 February 3, 2009.

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.

The request cannot be approved because the practitioner(s) requesting the withdrawal have not certified that they have (1) given reasonable notice to the client, prior to the expiration of the response period, that the practitioner(s) intend to withdraw from employment; (2) deliver to the client or duly authorized representative of the client papers and property (including funds) to which the client is entitled; and (3) notified the client of any responses that may be due and the time frame within which the client must respond. The failure to do so may subject the practitioner to discipline.

Further, the request cannot be approved because no statement under 3.73(b) was filed.

In order to request or take action in a patent matter, the assignee must establish its ownership of the patent to the satisfaction of the Director. In this regard, a Statement under 37 CFR 3.73(b) must have either: (i) documentary evidence of a chain of title from the original owner to the assignee (*e.g.*, copy of an executed assignment), and a statement affirming that the documentary evidence of the chain of title from the original owner to the assignee was or concurrently is being submitted for recordation pursuant to § 3.11; or (ii) a statement specifying where documentary evidence of a chain of title from the original owner to the assignee is recorded in the assignment records of the Office (*e.g.*, reel and frame number).

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 undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

Attachment: Blank copy of form PTO/SB/83
Blank copy of 3.73(b)

cc: SIMAX TECHNOLOGIES, INC.
595 LAMBERT ROAD
#202
BREA, CA 92821

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Paper No. 6

KNOBBE MARTENS OLSON & BEAR LLP
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IRVINE, CA 92614

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OFFICE OF PETITIONS

In re Application of
Cheryl Kos et al.
Application No. 10/062,749
Filed: February 1, 2002
Attorney Docket No. METAG.029A

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

This is in response to the petition filed under 37 CFR 1.47(a) on August 13, 2002.

The petition is **GRANTED**.

Petitioner has shown that the non-signing inventors Cheryl Kos and David A. Boyd, have refused to join in the filing of the above-identified application. Specifically, the declarations of Susan Campbell, General Counsel for the Assignee, Metagenics, Inc. and the attorney of record, Daniel E. Altman, indicate that on separate occasions they both exercised diligent efforts, though unsuccessful, to locate Cheryl Kos. Mail delivered to the last known address has not been returned to sender and the phone number listed for Cheryl Kos has been disconnected. Additionally, the declarations of Ms. Campbell and Mr. Altman show that correspondence mailed to David A. Boyd at the last known address have been returned to sender and phone messages have not been returned.

The declaration has been properly executed by joint inventor Kim Carleton Krumhar.

The above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). In view thereof, this application is hereby accorded Rule 1.47(a) status.

Thus, as provided in Rule 1.47(c), this Office will forward notice of this application's filing to the non-signing inventors at the address given in the petition. Notice of the filing of this application will also be published in the Official Gazette.

The application is being forwarded to the Office of Initial Patent Examination to be processed in due course.

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

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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Paper No. 7

CHERYL KOS
4207 BURNHAM DRIVE
GIG HARBOR, WA 98332

DAVID A BOYD
12912 133RD AVENUE KPN
GIG HARBOR, WA 98329

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JAN 0 3 2003

OFFICE OF PETITIONS

In re Application of
Cheryl Kos et al.
Application No. 10/062,749
Filed: February 1, 2002
For: COATING FOR ORALLY ADMINISTERED COMPOSITIONS

Dear Ms. Kos:

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 Petitions Attorney at (703) 305-4497. 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).

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

cc:
KNOBBE MARTENS OLSON & BEAR LLP
2040 MAIN STREET
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Paper No. 13

BELL BOYD & LLOYD LLC
P O BOX 1135
CHICAGO, IL 60690-1135

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OFFICE OF PETITIONS

In re Application of
Yoshiyuki Yanagisawa et al
Application No. 10/062,776
Filed: January 30, 2002
Attorney Docket No. 112857-315

: DECISION GRANTING PETITION
: UNDER 37 CFR 313(c)(2)

This is a decision on the petition, filed November 19, 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 6, 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 2182 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

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[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Issue Fee Transmittal Form PTOL-85(b), which includes the following language thereon: "Commissioner for Patents is requested to apply the Issue Fee and Publication Fee (if any) or re-apply any previously paid issue fee to the application identified above." Petitioner is advised that, whether a fee is indicated as being due or not, the Issue Fee Transmittal Form **must** be completed and timely submitted to avoid abandonment. Note the language in bold text on the first page of the Notice of Allowance and Fee(s) Due (PTOL-85).