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9 FEB 2006

LOWE, HAUPTMAN & BERNER, LLP
1700 Diagonal Road, Site 310
SUITE 300 /310
ALEXANDRIA VA 22314

In re Application of	:	DECISION ON
Bruce William DONALDSON	:	
Application No.: 10/247,721	:	
Filing Date: 20 September 2002	:	PETITION UNDER
Attorney's Docket No.: NA	:	
For: IMPROVEMENTS IN AND RELATING	:	
TO DIGESTIVE/LAXATIVE COMPOSITIONS	:	37 CFR 1.181 & 1.137(b)

This is in response to "COPY OF PREVIOUSLY FILED PETITION" filed on 28 November 2005. Applicant has submitted, inter alia, a copy of the 20 September 2002 PTO stamped itemized postcard receipt. The itemized postcard lists, inter alia, the following item: Petition to the commissioner to Revive under 37 CFR 1.137(b). Applicant is being charged $640.00 for the petition fee to the Deposit Account No.: 07-1337 as provided in the transmittal letter of September 20, 2002.

37 CFR 1.181:

On 28 November 2005, applicant filed the present petition alleging the following petition under 37 CFR 1.137(b) was filed on 20 September 2002. On or about November 21, 2005, undersigned contacted the U.S. Patent Office & Trademark Office (USPTO) in order to determine the status of the Petition filed on September 20, 2002 and was informed that the USPTO had never received the petition.

As a result of this, applicant filed on November 28, 2005 a copy of the previously filed petition and an itemized postcard.

DISCUSSION

The itemized postcard provided lists, inter alia, the following item: Petition to Revive under 37 CFR 1.137(b), utility application, checks for amount $848 and $640.

Applicant's present petition accompanied by a copy of the following documents, filed purportedly with the PTO as indicated in the stamped postcard:

(1) Utility application
(2) Petition
(3) Checks

The postcard lists the above items and bears a USPTO date of stamp as 20 September 2002.

MPEP 503 provides:

> 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.

Applicant's postcard is accepted as *prima facie* that the above petition was deposited with the U.S. Patent and Trademark Office on September 20, 2002.

DECISION

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

37 CFR 1.137(b):

Applicant's petition under 37 CFR 1.137(b) filed 20 September 2002 to revive international application PCT/NZ01/00044 is hereby **DISMISSED** as to the National stage in the United States of America as follows:

International application PCT/NZ01/00044 became abandoned as to the United States of America at midnight on 21 November 2001 for failure to pay the basic national fee. The filing of the present continuing application under 35 U.S.C. 111 is not accepted as the appropriate response under 37 CFR 1.137(b) (See MPEP § 711.03(c)) because there appears to be a question on whether the delay was unintentional and additional information will be necessary to explain the filing petition. The record indicates that applicant's failure to enter National Stage in the United States under 35 USC 371 was an unintentional misunderstanding of the applicable law and that this revival is requested at least for the purpose of permitting the applicant to claim priority from the referenced PCT application and from the referenced New Zealand patent application. It is unclear how this misunderstanding caused an unintentional delay in filing the application in the U.S. Patent & Trademark Office. Accordingly, pursuant to 37 CFR 1.137(b)(3), applicant is required to provide an explanation why the entire delay in filing the petition should be construed as an unintentional delay.

DECISION

For reasons above, the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.137(b) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Failure to timely submit the proper reply will result in abandonment of the application. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.137(b)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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02 OCT 2006

LOWE, HAUPTMAN & BERNER, LLP
1700 Diagonal Road, Site 310
SUITE 300 /310
ALEXANDRIA VA 22314

In re Application of	:	DECISION ON RENEWED
Bruce William DONALDSON	:	
Application No.: 10/247,721	:	
Filing Date: 20 September 2002	:	PETITION UNDER
Attorney's Docket No.: NA	:	
For: IMPROVEMENTS IN AND RELATING	:	
TO DIGESTIVE/LAXATIVE COMPOSITIONS	:	37 CFR 1.137(b)

This is in response to the " Renewed Petition Under 37 C.F.R. § 1.137(b)" filed on 03 August 2006.

BACKGROUND

In a decision dated 09 February 2006, the Office dismissed the petition submitted on 28 November 2005. The decision stated that petitioner had not satisfied requirement (3) of 137(b) because there appeared to be a question on whether the delay was unintentional.

On 03 August 2006, applicant filed the instant renewed petition under 37 C.F.R. § 1.137(b). Accompanied the petition, inter alia, is a request for reconsideration of petition decision.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

The renewed petition on 03 April 2006 is deemed to satisfy (3) under 37 CFR 1.137(b) because applicant has provided an explanation of the unintentional delay in the filing of the above application.

Accordingly, applicant has now satisfied requirements (1), (2), (3) and, (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing under 35 U.S.C. 371. . The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **14 January 2003.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

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19 MAR 2010

LOWE HAUPTMAN HAM & BERNER, LLP
1700 DIAGONAL ROAD
SUITE 300
ALEXANDRIA VA 22314

In re Application of	: CORRECTED
Bruce William DONALDSON	:
Application No.: 10/247,721	: DECISION
Filing Date: 20 September 2002	:
Attorney's Docket No.: NA	: ON PETITION UNDER
For: IMPROVEMENTS IN AND RELATING	:
TO DIGESTIVE/LAXATIVE COMPOSITIONS	: 37 CFR 1.137(b)

This is a corrected decision that replaces the "DECISION" mailed on 02 October 2006.

BACKGROUND

In a decision from this Office on 02 October 2006, the petition under 37 CFR §1.137(b) was granted, and it erroneously stated the aforementioned application was a national stage application filed under 35 USC 371.

A further review of the application reveals that the granted decision on 02 October 2006 was an error as the aforementioned application is a filing under 35 USC 111(a) and did not have the proper reply under 37 CFR 1.137(b).

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

A review of the application shows that petitioner satisfied items (2), (3), and (4) under 37 CFR 1.137(b) but had not satisfied item (1).

With respect to item (1), the international application PCT/NZ01/00044 became abandoned as to the United States of America at midnight on 21 November 2001[1] for failure to pay the basic national fee. The filing of a continuing application under 35 U.S.C. 111 may be accepted as the required reply. The present application, however, does not contain a proper benefit claim to the PCT application. Specifically, the preliminary amendment filed on 20 September 2002 does not identify international filing date as required under 37 CFR 1.78(a)(20(i).

Applicants may wish to consider a filing a petition under 37 CFR 1.78(a)(3) to correct the defect in the benefit claim.

For reasons above, the petition under 37 CFR 1.137(b) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.137(b) is desired, applicants must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Second Renewed Petition Under 37 CFR 1.137(b).

Any further correspondence with respect to this matter may be filed electronically via EFS-Web selecting the document description "Petition for review and processing by the PCT Legal Office" or by mail addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

[1] As a Demand was not filed in the international phase.

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TECHNOLOGY CENTER 2600

FLEIT KAIN GIBBONS GUTMAN BONGINI &
BIANCO
COURVOISIER CENTRE II, SUITE 404
601 BRICKELL KEY DRIVE
MIAMI, FL 33131

In re Application of
Anke BODICKER et al
Application No. 10/247,758
Filed: September 19, 2002
For: **DISPLAY SYSTEM AND METHOD FOR THE DISPLAY OF IMAGES**

DECISION ON PETITION
TO WITHDRAW HOLDING OF
ABANDONMENT

This is a decision on the Petition to Withdraw Holding of Abandonment under 37 CFR § 1.181(a) filed August 11, 2005. No fee is required.

This application is in an abandoned status for failure to respond to the non-final Office action mailed October 20, 2004. A Notice of Abandonment has not been mailed.

Petitioner alleges non-receipt of the non-final Office action mailed October 20, 2004. In support of the petition, petitioner has provided a statement that the Office action was not received by the petitioner. In addition, attached to and reference in the petition is a copy of the docket record showing responses due January 20, 2005 where a response to the non-received Office action would have been due had it been received.

A review of the file finds that the non-final Office action includes a stamp marked "RECEIVED Oct 26, 2004 Technology Center 2600". Hence, it appears that the non-final Office action was returned and received back in the Technology Center. Although, there was no finding of irregularity in the correspondence address, there was an obvious irregularity in mailing since the Office action was returned.

The holding of Abandonment is withdrawn. The petition is **GRANTED.**

In view of the time lapse between the original Office action of October 20, 2004 and the date of this decision, the application file will be forwarded to the examiner for updating the search and the Office action as appropriate. From there, the application file will be forwarded to the Technology Center's technical support staff for mailing of the Office action setting a shortened statutory period of three months for applicant to respond.

Doris To
Special Program Examiner
Technology Center 2600

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TECHNOLOGY CENTER 2600

FLEIT KAIN GIBBONS GUTMAN BONGINI & BIANCO
COURVOISIER CENTRE II, SUITE 404
601 BRICKELL KEY DRIVE
MIAMI, FL 33131

In re Application of
Anke BODICKER et al
Application No. 10/247,758
Filed: September 19, 2002
For: **DISPLAY SYSTEM AND METHOD FOR THE DISPLAY OF IMAGES**

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the Petition to Withdraw Holding of Abandonment under 37 CFR § 1.181(a) filed August 11, 2005. No fee is required.

This application is in an abandoned status for failure to respond to the non-final Office action mailed October 20, 2004. A Notice of Abandonment has not been mailed.

Petitioner alleges non-receipt of the non-final Office action mailed October 20, 2004. In support of the petition, petitioner has provided a statement that the Office action was not received by the petitioner. In addition, attached to and reference in the petition is a copy of the docket record showing responses due January 20, 2005 where a response to the non-received Office action would have been due had it been received.

A review of the file finds that the non-final Office action includes a stamp marked "RECEIVED Oct 26, 2004 Technology Center 2600". Hence, it appears that the non-final Office action was returned and received back in the Technology Center. Although, there was no finding of irregularity in the correspondence address, there was an obvious irregularity in mailing since the Office action was returned.

The holding of Abandonment is withdrawn. The petition is **GRANTED.**

In view of the time lapse between the original Office action of October 20, 2004 and the date of this decision, the application file will be forwarded to the examiner for updating the search and the Office action as appropriate. From there, the application file will be forwarded to the Technology Center's technical support staff for mailing of the Office action setting a shortened statutory period of three months for applicant to respond.

Doris To
Special Program Examiner
Technology Center 2600

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DIW May-09

CHARLES G. CALL
20 EAST GOETH ST CH1
CHICAGO IL 60610

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MAY 27 2009

OFFICE OF PETITIONS

In re Application of	:	
Resner et al.	:	
Application Number: 10/247780	:	ON PETITION
Filing Date: 09/19/2002	:	
Attorney Docket Number: D-13	:	

This is a decision on the petition filed on April 17, 2009, under 37 CFR 1.137(a)[1] to revive the above-identified application.

The petition is **dismissed**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)" or discussed below "Renewed Petition under 37 CFR 1.137(b)."

The application became abandoned on October 11, 2008, for failure to timely file a response to the final Office action mailed on July 10, 2008, 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 March 3, 2009.

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[1] A grantable petition 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 a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must 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(l);

(3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

Petitioners assert unavoidable delay in that the final Office action mailed on July 10, 2008 was returned as undeliverable. Specifically, petitioners argue that the Office action was properly addressed, but was returned by the USPS marked "Insufficient Address."

In pertinent part, petitioner states:

> the Action had been properly addressed to:
>
> Charles G. Call
> 20 EAST GOETH ST
> CH1
> CHICAGO IL 60610-2368
>
> Which was the correct address at the time and there is no known reason why the Postal Service returned the mailing

The Director may revive an abandoned application if the delay in responding to the relevant outstanding Office requirement is shown to the satisfaction of the Director to be "unavoidable".[2] Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[3]

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[2] 35 U.S.C. § 133.

[3] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[4] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[5]

Petitioners' arguments have been considered, but are not persuasive. In this regard, it is noted that petitioners' counsel states that the correct street address is 20 East Goeth Street. However, the Office action is addressed to "20 East ***Goethe*** Street." (emphasis added) Further, a review of Office Correspondence Address History reveals that the correspondence address associated with counsel's Customer Number, No 21253, was changed to: Charles G. Call, 20 East Goeth St, CH1, Chicago IL 60610-2368 on May 2, 2008, but was changed to Charles G. Call, 20 East ***Goethe*** St, CH1, Chicago IL 60610-2368 (emphasis added), on May 13, 2008. On January 5, 2009, the address was changed to: Charles G. Call, 141 Gulfport Court, Marco Island FL 34145-4105, and on March 30, 2009, the address was changed to: Charles G. Call, 20 East Goeth St, CH1, Chicago IL 60610-2368.[6]

As such, the Office is requesting verification that the correct address, and spelling of the street name ("Goeth" or "Goethe") was listed in Office records at the time of the mailing of the final Office action mailed on July 10, 2008. Further, it is unclear why the street name in the address associated with the Customer Number was changed on May 12, 2008. Petitioners should explain why this change was made.

The showing of record at this time suggests that the failure to receive the final Office action occurred because petitioners provided an invalid correspondence address prior to the mailing of the final Office action mailed on July 10, 2008. A delay caused by the failure on the part of petitioner, or petitioner's representative, to provide the U.S. Patent and Trademark Office

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[4] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[5] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

[6] The signature block of the subject petition lists the street name as "Goethe".

with a current correspondence address does not constitute an unavoidable delay.[7]

As the showing of record is insufficient to satisfy the requirements of a grantable petition under 37 CFR 1.137(a), the petition will be dismissed.

However, the dismissal is without prejudice to reconsideration pending submission of the information requested above.

ALTERNATIVE VENUE

Petitioner may wish to consider filing a renewed petition under 37 CFR 1.137(b), which now provides that where the delay in reply was unintentional, a petition may be filed to revive an abandoned application or a lapsed patent pursuant to 37 CFR 1.137(b). A grantable petition pursuant to 37 CFR 1.137(b) must be accompanied by:

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

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Director may required additional information where there is a question whether the delay was unintentional; and

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

The filing of a petition under the unintentional standard cannot be intentionally delayed and therefore should be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire

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[7] See Ray v. Lehman, 55 F.3d 606, 34 USPQ2d 1786 (Fed. Cir. 1995).

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
P.O. Box 1450
Alexandria, VA 22313-1450

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

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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P.O. Box 1450
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CONNOLLY BOVE LODGE & HUTZ LLP
P.O. BOX 2207
WILMINGTON DE 19899

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DEC 1 2 2007

OFFICE OF PETITIONS

In re Application of :
Montalvo, et al. :
Application No. 10/247,781 :
Filed: September 16, 2002 :
Attorney Docket No. 7231-103//20064-00006 :
For: SYRINGE WITH RETRACTABLE NEEDLE ASSEMBLY

ON PETITION

This is a decision on the petition, filed May 14, 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 timely submit a reply within three (3) months of the mailing of the August 1, 2006 final Office action. No response being received and no extensions of time being obtained under the provisions of 37 CFR 1.136(a), this application became abandoned on November 2, 2006.

Applicants have submitted an amendment in reply to the August 1, 2006 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the August 1, 2006 final Office action, and a $750.00 petition fee.

All of the requirements under 37 CFR 1.137(b) being met, the petition is granted.

After the mailing of this decision, the application will be returned to Technology Center G.A.U. 3767 for consideration of the amendment filed on May 14, 2007.

Telephone inquiries should 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

COMMISSIONER FOR PATENTS
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Paper No. 11

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JAN 15 2004

OFFICE OF PETITIONS

JAGTIANI + GUTTAG
10363-A DEMOCRACY LANE
FAIRFAX VA 22030

In re Application of :
Eric S. Olson, et al :
Application No. 10/247,836 :
Filed: September 20, 2002 :
Attorney Docket No. TCOM-0005-1 :

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed October 21, 2003, 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**.

The instant nonprovisional application is the subject of an application filed in an eighteen month publication country on January 13, 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.

Any inquiries concerning this decision may be directed to Sherry D. Brinkley at (703)
305-9220.

This application is being forwarded to Technology Center Art Unit 2634 for examination in due course.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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Paper No. 7

LYNN EMERSON BURGESS
19898 SE 29TH STREET
SAMMAMISH, WA 98075

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OFFICE OF PETITIONS

In re Application of	:	
Lynn Emerson Burgess	:	
Application No. 10/247,854	:	DECISION DISMISSING
Filed: September 20, 2002	:	PETITION
Title: PORCH LIGHT FOR	:	
TRANSPORTATION VEHICLES	:	

This is a decision on the petition under 37 CFR 1.137(a), filed February 2, 2004, to revive the above-identified application. The petition was recently forwarded to the undersigned for consideration.

The above-identified application became abandoned on November 8, 2003, for failure to timely respond to the non-final Office action mailed August 7, 2003. The instant petition precedes the mailing of a Notice of Abandonment.

Pro se applicant filed the instant petition, asserting that the delay in filing the reply was unavoidable. Applicant contends that he was unable to meet the 3 month reply deadline because he incurred a serious heart problem in October of 2003, resulting in hospitalization on October 20th 2003 and treatment, including medical restrictions for several months thereafter. Applicant contends that the treatment rendered him incapable of timely reply to the Office action mailed August 7, 2003. In support thereof, applicant submitted a document entitled "Explanation of Benefits" prepared by Premera Blue Cross; and a patient statement from Bellevue Cardiology Clinic.

On petition, applicant also submitted, *inter alia*, payment of the petition fee under § 1.17(l) and a reply to the Office action in the form of an amendment with request for approval of proposed drawing amendment and 3 sheets of replacement drawings.

DISCUSSION

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the

filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition lacks item (3). The showing of record before the Office is inadequate to establish unavoidable delay within the meaning of 37 CFR § 1.137(a)(3).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable (The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business.) In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). Decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith, 671 F.2d at 538, 213 U.S.P.Q. at 982. Nonetheless, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines, 673 F. Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32.

Petitioner asserts incapacitation due to medical restrictions as a cause of the delay in replying to the Office action. A showing of "unavoidable" delay based upon incapacitation must establish that petitioner's incapacitation was of such a nature and degree as to render petitioner unable to conduct business (e.g., correspond with the Office) during the period for reply, and must explain the delay in filing of a petition to revive. Such a showing must be supported by a statement from petitioner's treating physician, and such statement must provide the nature and degree of petitioner's incapacitation during the relevant period.

Petitioner has not met his burden of showing incapacitation. The insurance company and clinic patient statements support a conclusion that applicant received inpatient hospital care from October 20, 2003 to October 24, 2003; and outpatient treatment on November 3, 2003. This evidence does not establish that the delay in filing a reply was unavoidable. Petitioner must show a level of incapacitation for the entire period of delay, consistent with a finding that the delay was "unavoidable." This showing must include a statement from inventor Burgess' treating physician(s) setting forth the nature and degree of his incapacitation during the relevant period. Further, the physician's statement must be adequate to persuade the Office that from the time the reply was due until the filing of this petition inventor Burgess' medical condition was of such a degree of severity that it prevented him from acting to respond to the non-final Office action, including even filing an extension of time for reply (and fee) within the third month to extend the period for reply to February 7, 2004.

It is noted that the instant petition was filed within the extendable period for reply, but without the extension of time

fee of $475.00. Thus, applicant's actions preclude a conclusion that because of his medical condition he was unable to timely reply to the Office action. It appears that applicant was unaware of the extension of time provision or for some other reason, has not sought such an extension. Unfortunately, the maximum period for reply expired without applicant filing such an extension. Now relief is by way of petition for revival on the basis of unintentional delay. (An extension of time cannot be obtained by paying the fee after the period has expired).

CONCLUSION

The showing required under § 1.137(a) is exacting, and petitioner has not met that showing.

Accordingly, the petition must be **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR § 1.137(a)" or "Renewed Petition under 37 CFR § 1.137(b)," as appropriate (if applicant does not use a PTO form). Extensions of time are permitted under § 1.136(a).

Alternative *Venue*

While the showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable, petitioner is not precluded from seeking relief by filing a request for reconsideration pursuant to 37 CFR § 1.137(b) on the basis of unintentional delay. A grantable petition under § 1.137(b) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to § 1.137(d).

For applicant's convenience, a form for filing a petition to revive is enclosed. The current fee for such a petition is $665 for a small entity. (Applicant may leave a voice mail for the undersigned 2 weeks after mailing the petition so that she may verify receipt).

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
ATTN: NANCY JOHNSON

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

By hand: CUSTOMER SERVICE WINDOW
2011 South Clark Place
Crystal Plaza Two Lobby
Arlington, VA 22202
ATTN: NANCY JOHNSON, OFFICE OF PETITIONS

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Form PTO/SB/64 - 2 pages

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 9

LYNN EMERSON BURGESS
19898 SE 29TH STREET
SAMMAMISH, WA 98075

COPY MAILED

JUL 1 4 2004

OFFICE OF PETITIONS

In re Application of	:	
Lynn Emerson Burgess	:	
Application No. 10/247,854	:	DECISION DISMISSING
Filed: September 20, 2002	:	PETITION
Title: PORCH LIGHT FOR	:	
TRANSPORTATION VEHICLES	:	

This is a decision on the "PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)," filed July 2, 2004.

The above-identified application became abandoned on November 8, 2003, for failure to timely respond to the non-final Office action mailed August 7, 2003.

A prior petition to revive based on unavoidable delay was filed on February 2, 2004. The petition included the fee for consideration of the petition under § 1.137(a) and the required reply in the form of an amendment. (It is noted that the Issue Fee has not been paid in this case (nor has it become due). Rather, the Filing Fee was paid on September 2, 2002). However, the petition was dismissed for failure to meet the standard for unavoidable delay.

Petitioner was advised of the alternative of filing a petition under § 1.137(b) based on unintentional delay. Further, petitioner was advised that the fee for such petition is $665 for a small entity.

Unfortunately, applicant filed the instant petition under § 1.137(b) without the $665 fee. Instead, petitioner sent $620.

35 U.S.C. 41(a) (7) provides that a petition for the revival of an unintentionally abandoned application ... must be accompanied by the petition fee set forth in 37 CFR 1.17(m). Thus, unless the circumstances warrant the withdrawal of the holding of abandonment (i.e., it is determined that the application is not properly held abandoned), the payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of the abandoned application, and cannot be waived.

In addition, the phrase "[o]n filing" in 35 U.S.C. 41(a)(7) means that the petition fee is required for the filing (and not merely the grant) of a petition under 37 CFR 1.137. See H.R. Rep. No. 542, 97th Cong., 2d Sess. 6 (1982), reprinted in 1982

U.S.C.C.A.N. 770 ("[t]he fees set forth in this section are due on filing the petition"). Therefore, the Office: (A) will not refund the petition fee required by 37 CFR 1.17(l) or 1.17(m), regardless of whether the petition under 37 CFR 1.137 is dismissed or denied; and (B) will not reach the merits of any petition under 37 CFR 1.137 lacking the requisite petition fee.

As payment of a petition fee to obtain the revival of an abandoned application is a statutory prerequisite to revival of an abandoned application and petitioner has not made the full payment, the petition must be dismissed. The petition will be considered on the merits upon the payment of the $45 (provided that the petition fee has not increased prior to such submission. Petitioner may call the Office at 703-305-9282 on the date of mailing of the fee to verify that the fee has not increased.)

Accordingly, the petition must be **DISMISSED** without prejudice to reconsideration upon submission of the deficiency of $45.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR § 1.137(b)." Extensions of time are permitted under § 1.136(a).

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

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

By FAX: (703) 872-9306
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

By hand: Effective June 5, 2004, patent correspondence delivered by hand or delivery services, other than the USPS, to the Customer Window must be addressed as follows:

U.S. Patent and Trademark Office
220 20th Street S.
Customer Window, Mail Stop _____
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Telephone inquiries related to this decision should be directed to the undersigned at (703) 305-0309.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 11

LYNN EMERSON BURGESS
19898 SE 29TH STREET
SAMMAMISH, WA 98075

COPY MAILED

NOV 2 6 2004

OFFICE OF PETITIONS

In re Application of Lynn Emerson Burgess Application No. 10/247,854 Filed: September 20, 2002 Title: PORCH LIGHT FOR TRANSPORTATION VEHICLES	DECISION ON PETITION

This is a decision on the Renewed Petition under 37 CFR 1.137(b)," filed September 7, 2004.

The above-identified application became abandoned on November 8, 2003, for failure to timely respond to the non-final Office action mailed August 7, 2003. The initial petition to revive based on unavoidable delay filed February 2, 2004 was dismissed for failure to meet the standard for unavoidable delay (Decision mailed May 6, 2004). A petition to revive based on unintentional delay was filed on July 2, 2004; however, the petition was dismissed without consideration on the merits for failure to submit the full-required petition fee (Decision mailed July 14, 2004).

On instant renewed petition, petitioner submitted the deficiency in payment of the petition fee of $45. The required reply in the form of an amendment was previously submitted on July 2, 2004. The petition includes the required statement of unintentional delay.

In view thereof, the petition is **GRANTED**.

The application file is being returned to Technology Center Art Unit 2875 for consideration of the amendment filed July 2, 2004.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

#6

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

MAILED

FEB 19 2004

Office of the Director
Group 3600

Brett O. Hall
4206 Lazy Creek Drive
Marietta, GA 30066

Paper No. 6

In re Application of
Brett Osmund Hall
Application No. 10/247,858
Filed: September 20, 2002
For: A FLUID-FILLED SPEED BUMP/ VEHICLE RESTRICTOR

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 November 14, 2003.

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

☐ Postcard receipt being dated_____.

☒ USPTO return facsimile receipt dated July 28, 2003 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.

Randolph A. Reese

cps/2/18/04

Randolph A. Reese
Special Programs Examiner
Group 3600

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
www.uspto.gov

PATTON BOGGS LLP
1801 CALFORNIA STREET
SUITE 4900
DENVER, CO 80202

Mail Date: 04/21/2010

Applicant	: James W. Fahrny	: DECISION ON REQUEST FOR
Patent Number	: 7634659	: RECALCULATION of PATENT
Issue Date	: 12/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/247,861	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/20/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **2052** 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. 5

AT&T CORP.
P.O. BOX 4110
MIDDLETOWN, NJ 07748

COPY MAILED

JAN 14 2003

OFFICE OF PETITIONS

In re Application of Jac P. Dowens Application No. 10/247,900 Filed: September 20, 2002 Attorney Docket No. CASUAL USAGE ALTERNATE BILLING	:	DECISION GRANTING PETITION

This is a decision on the "Petition under 37 C.F.R. § 1.10 to Correct Filing Date," filed December 31, 2002, requesting that the above-identified application be accorded a filing date of September 20, 2002, rather than the presently accorded filing date of September 19, 2002.

Applicant maintains that this application was deposited in the Express Mail Post Office to Addressee service of the USPS, pursuant to § 1.10 on September 20, 2002, and thus, is entitled to a filing date of September 20, 2002. In support thereof, applicant submits copies of: the Express Mail mailing label; the USPS Track and Confirm record, as shown on the USPS website; and the return postcard itemizing the relevant correspondence and bearing a USPTO date-stamp of September 20, 2002.

Having reviewed the evidence, it is concluded that petitioner has shown a discrepancy between the filing date accorded by the Office to the correspondence and the date of deposit as shown by other official USPS notation. The petition was filed promptly within the meaning of §1.10(c)(1). The application transmittal filed with the originally deposited papers and identifying as being transmitted the relevant correspondence bears Express Mail No. EV056503131US. Thus, it is concluded that the Express Mail No. EV056503131US was placed on the correspondence prior to the original mailing date. A review of the true copy of the Express Mail mailing label further reveals that the "date-in" entered by the USPS is clearly September 20, 2002. This is further supported by both the USPS Track and Confirm record and the USPTO's USPS Express Mail Information Database record. Both records show that the mailing under Express Mail No. EV056503131US was accepted by the USPS at 3:25 pm on September 20, 2002.

In view thereof, the petition is **GRANTED**.

No petition fee is necessary. The fee submitted has been refunded to Deposit Account No. 01-2745, as authorized.

The application is being returned to the Office of Initial Patent Examination for correction of the filing date to September 20, 2002, and issuance of a corrected filing receipt.

Telephone inquiries specific to this decision may 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

SPE Jagannathan

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 10/247,918

Paper No.: _____

DATE : 3/7/06

TO SPE OF : ART UNIT 1714

SUBJECT : Request for Certificate of Correction on Patent No.: 6984676

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

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

Lamonte M. Newsome
Certificates of Correction Branch
Tel. No. 703-305-8309

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

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

Comments:

While applicant's change is accepted, it should be noted for the record that there is no evidence as to whether the examiner actually considered the references.

Casu Jagannathan
SPE

1714
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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HANSRA PATENT SERVICES
4525 GLEN MEADOWS PLACE
BELLINGHAM, WA 98226

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DEC 27 2006

OFFICE OF PETITIONS

In re Application of	:	
Peter McEwen (deceased) et al	:	
Application No. 10/247,929	:	DECISION ON PETITION
Filed: September 20, 2002	:	TO WITHDRAW
Attorney Docket No. Q01-1089-US1	:	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 16, 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). Finally, a proper reason for the withdrawal as enumerated in 37 C.F.R. § 10.40(b) or subsection (1)-(6) of 37 C.F.R. § 10.40(c) must be provided.

A review of the file record indicates that Tejpal S. Hansra: (1) does not have apparent power of attorney in this patent application; and (2) has been employed or otherwise engaged in the proceedings in this patent application. In view of the present decision, Tejpal S. Hansra has been withdrawn from the present application and may not further act in a representative capacity under 37 C.F.R. § 1.34 unless appointed in an acceptable power of attorney under 37 C.F.R. § 1.32(b).

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

The request to change the correspondence address of record is not acceptable as the requested correspondence address is not that of: (1) the first named signing inventor; or (2) the intervening assignee of the entire interest. All future communications from the Office will be directed to the second named inventor (the first named inventor is deceased), as there is no indication that assignee has intervened in this application in accordance with 37 CFR 3.71. A courtesy copy of this decision is being mailed to the assignee noted in the assignment records for this application

and to the address noted in the request to withdraw as attorney. If the attorneys associated with the customer number noted on the request to withdraw desire to represent the applicants or the assignee in this application and receive future communications regarding this application, the appropriate power of attorney documents should be **promptly** submitted. Until otherwise properly notified, all future correspondence will be directed to the second named inventor (Bahjat Zafer) at the address indicated below.

This application is being referred to Publishing Division for appropriate action as the nature of the case requires.

Telephone inquiries concerning this decision should be directed to the undersigned at 571-272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

cc:

Bahjat Zafer
1252 Klee Court
Sunnyvale, WA 94087

Seagate Technology LLC
Intellectual Property – SHK2LG
1280 Disc Drive
Shakopee, MN 55379

Maxtor Corporation
2452 Clover Basin Drive
Longmont, CO 80503

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, Virginia 22313-1450
www.uspto.gov

MCANDREWS HELD & MALLOY, LTD
500 WEST MADISON STREET
SUITE 3400
CHICAGO, IL 60661

Mail Date: 04/22/2010

Applicant	: Alexander G. MacInnis	: DECISION ON REQUEST FOR
Patent Number	: 7630566	: RECALCULATION of PATENT
Issue Date	: 12/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/247,940	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/20/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **814** 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.

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

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

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,794,347	2004-09-21	10/247,957	2002-09-20	2818.4590000/BJD/KMH

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

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

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

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

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

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

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Brian J. Del Buono Reg. No. 42,473/	Date (YYYY-MM-DD)	2009-10-07
Name	Brian J. Del Buono	Registration Number	42473

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. 6794347
Issue Date: September 21,2004
Application No. 10247957
Filed: September 20,2002
Attorney Docket No. C6641 (V)

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

This is a decision on the electronic petition, filed October 7,2009 ,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 7,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

WELLS ST. JOHN P.S.
601 W. FIRST AVENUE, SUITE 1300
SPOKANE, WA 99201

COPY MAILED

MAR 03 2006

OFFICE OF PETITIONS

In re Application of	:
Max F. Hineman et al	:
Application No. 10/247,971	: DECISION GRANTING PETITION
Filed: September 20, 2002	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. M122-2132	:

This is a decision on the petition, filed February 21, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 23, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1763 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Mar9\247971.wpd

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 8

TRACY W. DRUCE, ESQ.
NANCY DRUCE LLP
1615 L STREET NW
SUITE 850
WASHINGTON, DC 20036

COPY MAILED

NOV 15 2004

OFFICE OF PETITIONS

In re Application of
Megas et al.
Application No. 10/248,001
Filed: December 9, 2002
Attorney Docket No. 06730.0030.PCUS00

Decision on Petition

This a decision on the petition under 37 CFR 1.137(b), filed September 2, 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 application became abandoned for failure to timely reply to the non-final Office action mailed September 5, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on December 6, 2003. A Notice of Abandonment was mailed April 19, 2004.

The papers in the file only include 5 pages - 1 page cover sheet, 1 page fee transmittal, 1 page request for change of correspondence address. Apparently, the amendment and other papers were either not filed or were misplace by the Office. The Office requests petitioner resubmit a copy of the papers.

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

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

By facsimile: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 8

TRACY W. DRUCE, ESQ.
NANCY DRUCE LLP
1615 L STREET NW
SUITE 850
WASHINGTON, DC 20036

COPY MAILED

NOV 15 2004

OFFICE OF PETITIONS

In re Application of
Megas et al.
Application No. 10/248,001
Filed: December 9, 2002
Attorney Docket No. 06730.0030.PCUS00

Decision on Petition

This a decision on the petition under 37 CFR 1.137(b), filed September 2, 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 application became abandoned for failure to timely reply to the non-final Office action mailed September 5, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on December 6, 2003. A Notice of Abandonment was mailed April 19, 2004.

The papers in the file only include 5 pages - 1 page cover sheet, 1 page fee transmittal, 1 page request for change of correspondence address. Apparently, the amendment and other papers were either not filed or were misplace by the Office. The Office requests petitioner resubmit a copy of the papers.

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

By facsimile: (703) 872-9306
Attn: Office of Petitions

By hand: U.S. Patent and Trademark Office
220 20th Street South
Customer Window, Mail Stop Petition
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

If a request for reconsideration is filed, and a decision on the new petition is not received within three months, petitioner may wish to call the number below to check on the status of the renewed petition.

Telephone inquiries should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET NW
SUITE 400 EAST
WASHINGTON, DC 20005

COPY MAILED

JUN 2 0 2005

OFFICE OF PETITIONS

In re Application of
Megas et al.
Application No. 10/248,001
Filed: December 9, 2002
Attorney Docket No. 06730.0030.PCUS00

Decision on Petition

This a decision on the renewed petition under 37 CFR 1.137(b), filed March 18, 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 5, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, this application became abandoned on December 6, 2003. A Notice of Abandonment was mailed April 19, 2004.

The instant petition requests revival of the application. Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

A review of financial records indicates petitioner's credit card and deposit account may have been incorrectly charged several fees.

The application was originally filed with 21 claims. Two of the claims were independent. Petitioner paid for one claim in excess of 20. The recent amendment has a total of 21 claims. Six of the claims are independent. The independent claims are 1, 3, 6, 11, 17, and 19. Petitioner should have been charged $258. Petitioner submitted $172. Therefore, an additional $86 will be charged to petitioner's deposit account.

In response to the papers filed September 2, 2004, petitioner was charged $110 for a statutory disclaimer per financial records. However, a review of the file fails to indicate a statutory disclaimer has been filed. Therefore, $110 will be credited back to petitioner's deposit account.

The fee for the petition under 37 CFR 1.137(b) was paid in full on September 2, 2004. However, the Office charged $1,500 for the fee to petitioner's credit card on March 21, 2005. The $1,500 fee will be credited back to petitioner's credit card.

On March 21, 2005, the Office charged $2 to petitioner's credit card and $98 to petitioner's deposit account for claims in excess of 20. However, the amendment does not appear to add any claims. Therefore, the $2 will be credited back to petitioner's credit car and the $98 will be credited back to petitioner's deposit account.

Technology Center Art Unit 3748 will be notified the application has been revived so that the examiner may consider the merits of the amendment in due course.

Telephone inquiries may be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 080204

FOLEY AND LARDNER
SUITE 500
3000 K STREET, NW
WASHINGTON, DC 20007

AUG 27 2004

In re Application of:	:	
JEFFREY EBERHART et al.	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Serial No.: 10/248,007	:	
Filed: December 10, 2001	:	
Attorney Docket No.: **040849-0220**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 05, 2004.

The request is **DISMISSED** as moot.

A review of the application file record reveals a proper revocation and power of attorney to the attorneys of General Electric Company was filed on June 7, 2004. As such, the power of attorney for the attorneys and agents requesting withdrawal has already been revoked. Accordingly, the present request is moot, and must be dismissed.

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

Inquiries related to this decision should be directed to Jose G. Dees at (571) 272-1569.

Jose G. Dees, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET ROOM, BUILDING K1-4A59
P.O. BOX 8
SCHENECTADY, NY 12301

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IBM Microelectronics
Intellectual Property Law
1000 River Street
972 E
Essex Junction, VT 05452

COPY MAILED
JUL 0 2 2004
OFFICE OF PETITIONS

In re Application of	:	
Jeffrey P. Gambino, et. al.	:	
Application No. 10/248,019	:	ON PETITION
Filed: December 11, 2002	:	
Attorney Docket No. BUR920010220	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 13, 2004, to revive the above-identified application.

The above-identified application became abandoned for failure submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance mailed November 17, 2003, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned after midnight February 17, 2004.

In response, petitioner submitted with the instant petition $1,330 for the petition to revive fee, $1,330 for the issue fee, and $300 for the publication fee.

The petition is **GRANTED**.

The application file is being forwarded to the Office of Publications for further processing into a patent.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATEN
UNITED STATES PATENT AND TRADEMARK OFFI
WASHINGTON, D.C. 2023
www.uspto.g

Paper No. 4

MAIL

SEP 1 1 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Mord Michael Lewis
NAIPO (NORTH AMERICA
INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:)
Shye-Lin Wu)
Application No. 10/248,048) **DECISION ON REQUEST FOR**
Filed: December 13, 2002) **WITHDRAWAL AS ATTORNEY**
For: METHOD FOR VERIFYING ERROR)
CORRECTION CODE FUNCTION
OF A COMPUTER SYSTEM

This is a decision on the Request To Withdraw from Representation filed August 18, 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 August 18, 2003 meets all the requirements. Accordingly the request is **GRANTED**.

All future communications from the Office will be directed to the above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office (Office) of any change in correspondence address to ensure receipt of all communications from the Office.

James R. Matthews

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

cc: Winston Hsu

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 3

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

MAIL

SEP 1 1 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
George Fang	:	
Application No. 10/248,049	:	DECISION ON REQUEST TO
Filed: December 13, 2002	:	WITHDRAW AS ATTORNEY
For: **METHOD AND RELATED DEVICE FOR**	:	
RELIABLY RECEIVING A DIGITAL SIGNAL	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARTMAN AND HARTMAN, P.C.
552 EAST 700 NORTH
VAIPARAISO, IN 46383

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AUG 2 3 2005

OFFICE OF PETITIONS

In re Application of
Irene Spitsberg et al
Application No. 10/248,056
Filed: December 13, 2002
Attorney Docket No. 121492

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 June 15, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of the prior-filed nonprovisional application.

The petition is **DISMISSED**.

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 petition does not comply with item (1) above.

37 CFR 1.78(a)(2)(i) requires that any nonprovisional application claiming the benefit of one or more prior-filed copending nonprovisional applications 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) and indicating the relationship of the applications. The relationship between the applications is whether the subject application is a continuation, divisional, or continuation-in-part of a prior-filed nonprovisional application. An example of a proper benefit claim is: "This application is a continuation of Application No. 10/---, filed---." A benefit claim that merely states: "This application claims the benefit of Application No. 10/---, filed---," does not comply with 37 CFR 1.72(a)(2)(i) since the proper relationship, which includes the type of continuing application, is not stated. Also, the status of each nonprovisional parent application (if it is patented or abandoned) should also be indicated, following the filing date of the parent nonprovisional application. See MPEP, Section 201.11, Rev. 2, May 2004, Reference to Prior Application. No amendment complying with 37 CFR 1.121 was received to clearly state the relationship of the prior-filed application to the instant application.

Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Accordingly, an amendment in compliance with the aforementioned rules, along with a renewed petition under 37 CFR 1.78(a)(3), must be submitted.

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

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

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

By fax: (571) 273-8300
ATTN: Office of Petitions

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

Frances Hicks

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HARTMAN AND HARTMAN, P.C.
552 EAST 700 NORTH
VAIPARAISO, IN 46383

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OFFICE OF PETITIONS

In re Application of	:	
Spitsberg et al.	:	
Application No. 10/248,056	:	ON PETITION
Filed: December 13, 2002	:	
Attorney Docket No.	:	
121492	:	

This is a decision on the renewed Petition for Unintentionally-Delayed Benefit Claim Under 37 CFR 1.78(a)(3), filed January 17, 2006, 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.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3232. 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 1775 for appropriate action on the amendment filed January 17, 2006, 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 application.

Frances Hicks
Lead Paralegal
Office of Petitions

ATTACHMENT: Corrected Filing Receipt

UNITED STATES
PATENT AND
TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

11/5/03

Patent Documentation Center
Xerox Corporation
100 Clinton Avenue South Xerox Square 20th Floor
Rochester NY 14644

Dear Applicant:

The Box PGPub replacement drawings for application number 10/248,057 received on 10/9/03 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Customer Service, Office of Initial Patent Examination, at 703-308-1202.

UNITED STATES
PATENT AND
TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

Signature of Reviewer, Office of Initial Patent Examination

UNITED STATES
PATENT AND
TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

11/5/03

Patent Documentation Center
Xerox Corporation
100 Clinton Avenue South Xerox Square 20th Floor
Rochester NY 14644

Dear Applicant:

The Box PGPub replacement drawings for application number 10/248,058 received on 10/9/03 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Customer Service, Office of Initial Patent Examination, at 703-308-1202.

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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

JUL 29 2003

#6

SMITH & HOPEN PA
15950 BAY VISTA DRIVE
SUITE 220
CLEARWATER, FL 33760

In re Application of	:	
Todd A. Resnick	:	PETITION DECISION
Serial No.: 10/248,070	:	
Filed: December 16, 2002	:	
For: Protective Hood with Adjustable Visor	:	

This is in response to applicants' petition filed December 23, 2002 to make the above-identified application special under the provisions of 37 CFR 1.102(d), as an invention for countering terrorism.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02 XI. Therefore the petition is **GRANTED**.

The application will be forwarded to the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact John E. Kittle by letter addressed to the Director, Technology Center 3700/2900, Washington, DC 20231, or by telephone at (703) 308-0873 or by facsimile transmission at (703) 308-3139.

John E. Kittle
Director
Technology Center 3700/2900

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. 5

LUNDEEN & DICKINSON, LLP
PO BOX 131144
HOUSTON TX 77219-1144

COPY MAILED

FEB 2 0 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of
Sam W. Barziza et al.
Application No. 10/248,078
Filed: December 16, 2002
Attorney Docket Number: BAR-02

This is a decision on the petition under 37 CFR 1.137(b),[1] filed February 13, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned April 1, 2003, for failure to timely reply to the Notice to File Corrected Application Papers mailed on January 31, 2003, which set a two (2) month shortened period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed February 2, 2004.

Receipt of the substitute drawings submitted to comply with 37 CFR 1.84 is acknowledged.

The application is being forwarded to the Office of Initial Patent Examination for further processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

---

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

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

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

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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HARTMAN AND HARTMAN, P.C.
552 EAST 700 NORTH
VAIPARAISO, IN 46383

COPY MAILED

JAN 09 2006

OFFICE OF PETITIONS

In re Application of
Joseph Howell Bowden, Jr.
Application No. 10/248,085
Filed: December 17, 2002
Attorney Docket No. 124332

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed May 4, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely submit the issue fee and publication fee.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of $1,400 for payment of the issue fee and $300 for payment of the publication fee; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay.

A review of the record fails to indicate that a change of address has been submitted. Therefore, since the address given on the petition differs from the address of record, a courtesy copy of this decision is being mailed to the address on the petition. If appropriate, a change of address should be filed in accordance with MPEP 601.03. All future correspondence regarding this application will be directed solely to the address of record until otherwise instructed.

The application file is being referred to the Publishing Division 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

cc: Domenica N.S. Hartman
552 E 700 North
Vaiparaiso, IN 46383

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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DFW 04-03

Paper No. 4

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

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APR 0 9 2003

OFFICE OF PETITIONS

In re Application of	:
Schrader et al.	:
Application No. 10/248,097	: DECISION GRANTING
Filed: 18 December, 2002	: PETITION
Attorney Docket No. 126614	:

This is a decision on the petition filed on 3 March, 2003, requesting that the above-identified application be accorded a filing date of 18 December, 2002, with one (1) sheet of drawings containing Figures 9 and 10 described in the specification as a part of the original disclosure.

The petition is **GRANTED**.

The application was filed electronically via the Office's Electronic Filing System (EFS) on 18 December, 2002. On 31 January, 2003, however, Initial Patent Examination Division mailed a Notice of Omitted Item(s) in a Nonprovisional Application, stating that the application had been accorded a filing date of 18 December, 2002, but that Figures 9 and 10 described in the specification appeared to have been omitted from the application.

Petitioners assert that one (1) sheet of drawings including Figures 9 and 10 were submitted with the original application EFS submission on 18 December, 2002. In support, petitioners have included a copy of the Acknowledgment Receipt, with a time stamp date of 18 December, 2002, acknowledging receipt of, *inter alia*, "Figures_9_10.tif" Petitioners therefore assert that Figures 9 and 10 of the drawings were received by the Office on 18 December, 2002.

Upon a review of the Office EFS database, one (1) sheet of drawings containing Figures 9 and 10 have been located among the files received on 18 December, 2002.

As this petition appears to have resulted from an error on the part of the USPTO rather than the applicant, the petition fee of $130.00 will be credited to counsel's deposit account, No. 50-2401.

The application will be processed and examined using the copy of the one (1) sheet containing Figures 9 and 10 printed from the Office's retained copy of the EFS submission. The copy of the one (1) sheet of drawings containing Figures 9 and 10 and the other application papers supplied with the present petition will not be used for processing or examination, but will be retained in the application file.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of 18 December, 2002, using the application papers filed on that date, including the one (1) sheet of drawings containing Figure 9 and 10 located in the application file.

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

FIG. 9

```
<?xml version="1.0"?>
<!DOCTYPE TrendParser  [
<!ENTITY DATA_TREND_MENU SYSTEM "Data_trend_menu_def.xml">
<!ENTITY NET_ETFTP_REQ SYSTEM "../etftp/NET_ETFTP_req_def.xml">
<!ENTITY TREND_ENTRY SYSTEM "Trend_entry_def.xml">
]>
<ETFTPParser>
   &NET_ETFTP_REQ;
   &DATA_TREND_MENU;
   <Group catagory="TrendEntry">
     <Repeat count="ETFTPParser.DataTrendMenu.numberOfTrends">
      &TREND_ENTRY;
     </Repeat>
   </Group>
</ETFTPParser>
```

FIG. 10

```
<?xml version="1.0" ?>
<ETFTPParser>
   <Group catagory="ETFTPRequest">
      <Short name="event_id" />
      <Short name="destination_port" />

      <String name="origin_loc_name" length="32" stopAtNull="true" />
   </Group>
   <Group name="DataTrendMenu" catagory="DataTrendMenu">
      <Integer name="first_storage time" />
      <Byte skip="2" />
      <Short name="numberOfTrends" switchable="true" skipSet="true" />
   </Group>
   <Group catagory="TrendEntry">
      <Repeat count="ETFTPParser.DataTrendMenu.numberOfTrends">
         <Byte name="parcode" />
         <Byte name="subcode" />
         <Byte name="slot_id" />
         <Byte name="storage_units" />
         <Byte name="display_units" />
         <Byte name="decimal_shift" signed="true" />
      </Repeat>
   </Group>
</ETFTPParser>
```

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 6

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

MAILED

SEP 2 2 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
Chou et al.	:	
Application No. 10/248,108	:	DECISION ON REQUEST TO
Filed: December 19, 2002	:	WITHDRAW AS ATTORNEY
For: **APPARATUS FOR PROVIDING HIGH QUALITY AUDIO OUTPUT BY MEDIAN FILTER IN AUDIO SYSTEMS**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

UNITED STATES 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. 092903

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT - 8 2003

In re Application of	)	
Chang-Yung Feng et al.	)	DECISION ON PETITION
Application No.10/248,109	)	
Filed: December 19, 2002	)	
Attorney Docket No. PMXP0151USA	)	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to Central Files awaiting applicants' response to the outstanding Office action.

Jose' G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

OIPE JC139
AUG 18 2003
PATENT & TRADEMARK OFFICE

2834

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Shye-Lin Wu	Examiner:	
Filing Date:	2002/12/19	Art Unit:	
App. No.:	10/248,109	Docket No.:	PMXP0151USA0

Title: STEP MOTOR WITH MULTIPLE STATORS

RECEIVED
OFFICE OF THE SPECIAL
PROGRAMS EXAMINER

To: Assistant Commissioner for Patents
P.O.BOX 1450
Alexandria, VA 22313-1450

Subject: Request for withdrawal as agent

Dear Sir or Madame:

I hereby apply to withdraw as agent for the above identified patent/patent application. The reason for this request is that I am leaving my current office of employment to attend law school.

Although I am requesting to withdraw from the above patent/patent application, Winston Hsu, agent registration No. 41,526, will continue to serve as the primary agent of record for this case. **This request for withdraw *does not affect* the status of Mr. Hsu as the principle agent of record for the above-identified case.** Consequently, the correspondence address is NOT affected by this withdrawal. Furthermore, as Mr. Hsu will continue acting as the agent of record, my withdrawing from this case will not affect the client's ability to obtain timely representation. Mr. Hsu, as my employer, has agreed to my withdrawal and will continue handling all aspects of this case. I therefore believe in good faith that the USPTO should find this request for withdrawal acceptable.

Sincerely yours,

Mord Michael Lewis

Date: 7/18/2003

Mord Michael Lewis, Patent Agent No.50,478

A2

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. 111203

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

NOV 19 2003

In re Application of	:	
Chang-Yung Feng et al.	:	DECISION ON PETITION
Application No. 10/248,109	:	
Filed: December 19, 2002	:	
Attorney Docket No. PMXP0151USA	:	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to the examiner for examination.

Jose G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. 4

MAIL

JAN 3 0 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

Application No. 10/248,110

Filed: 12/19/02

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The Request to Withdraw as Attorney is **DISMISSED AS MOOT**.

The requester, Mr. Michael Mord Lewis, is not of record.

All future correspondence 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 Technology Center 2600 central files to await action by the examiner in due course.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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www.uspto.gov

Paper No. 4

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

MAIL

OCT - 6 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
YEN-CHI LEE	:	
Application No. 10/248,111	:	DECISION ON REQUEST TO
Filed: December 19, 2002	:	WITHDRAW AS ATTORNEY
For: **METHOD AND APPRARTUS THEREOF FOR DETECTING A HIDDEN IMAGE IN A HOLOGRAM**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

UNITED STATES 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. 111203

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

NOV 13 2003

In re Application of	)	
Hong-Ping Tsai et al.	)	DECISION ON PETITION
Application No. 10/248,112	)	
Filed: December 19, 2002	)	
Attorney Docket No. EMEP0031USA	)	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to the examiner for examination.

Jose' G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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

Driggs, Hogg, Daugherty & Del Zoppo Co., L.P.A.
38500 CHARDON ROAD
DEPT. LEN
WILLOUGHBY HILLS, OH 44094

Mail Date: 04/21/2010

Applicant	: Kazuo Fujii	: DECISION ON REQUEST FOR
Patent Number	: 7639640	: RECALCULATION of PATENT
Issue Date	: 12/29/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/248,116	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 12/19/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **2086** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Driggs, Hogg, Daugherty & Del Zoppo Co., L.P.A.
38500 CHARDON ROAD
DEPT. LEN
WILLOUGHBY HILLS, OH 44094

Mail Date: 05/18/2010

Applicant : Kazuo Fujii
Patent Number : 7639640
Issue Date : 12/29/2009
Application No : 10/248,116
Filed : 12/19/2002

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **2132** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of patent term adjustment (PTA) days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days** from the mail date of this notice, whichever is longer, to file a request for reconsideration of this PTA calculation. See 35 U.S.C. § 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4).

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this PTA calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2), and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this PTA calculation, including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right of review of the USPTO's PTA determination in the United States District Court for the District of Columbia, patentee must ensure that the steps required under 35 U.S.C. § 154 (b)(4) are taken in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. § 154(b)(4).

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRANK A. SMITH
GENERAL ELECTRIC COMPANY
ONE PLASTICS AVENUE
PITTSFIELD, MA 01201

COPY MAILED

MAY 2 4 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Rudy Francois Alain Jos Peemans et al :
Application No. 10/248,147 :
Filed: December 20, 2002 :
Attorney Docket No. 08CL5887-1 :

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 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 should be directed to Wan Laymon at (703) 306-5685.

The application file will be referred to Technology Center AU 1711for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed IDS.

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

---

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. _____

Date : May 24, 2004

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) : Rudy Francois Alain Jos Peemans et al
Application No. : 10/248,147
Filed : December 20, 2002

The above-identified application has been assigned Patent No. 6,743,887 and an issue date of June 1, 2004.

It is hereby directed that this application be withdrawn from issue at the request of the applicants.

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 1, 2004:

> "All reference to Patent No. 6,743,887 to Rudy Francois Alain Jos Peemans et al of Erps-Kwerps, BELGIUM for METHOD FOR THE PRODUCTION OF POLYCARBONATES appearing in the Official Gazette of June 1, 2004 should be deleted since no patent was granted."

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

cc: Geraldine Dozier, Crystal Park 3-44I (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite II00 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-9I0 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane Davis (CDS), CM1-6A07
Tamara K. Greene, Crystal Park 3-910

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Paper No. 082404

FOLEY AND LARDNER
3000 K STREET, NW, SUITE 500
WASHINGTON, DC 20007

SEP 15 2004

In re Application of:	:	
COLIN R. WILSON et al.	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Serial No.: 10/248,153	:	
Filed: December 20, 2002	:	
Attorney Docket No.: **040849-0217**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed April 05, 2004.

The request is **DISMISSED** as moot.

A review of the application file record reveals a proper revocation and power of attorney to the attorneys of General Electric Company (PCPI) was filed on May 14, 2004. As such, the power of attorney for the attorneys and agents requesting withdrawal has already been revoked. Accordingly, the present request is moot, and must be dismissed.

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

Inquiries related to this decision should be directed to Clayton E. Laballe at (571) 272-1594.

Clayton E. Laballe, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

cc: GENERAL ELECTRIC COMPANY (PCPI)
C/O FLETCHER YODER
P.O. BOX 692289
HOUSTON, TX 77269-2289

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Paper No. 6

FOLEY AND LARDNER
3000 K Street NW
Suite 500
Washington DC 20007

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MAY 0 6 2004

Technology Center 2100

In re Application of:
Mark E. DAUSCH, et al.
Application No. 10/248,157
Filed: December 20, 2002
For: C ENTRAL SITE ARCHITECTURE FOR REMOTE SERVICE DELIVERY

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request to Withdraw from Representation filed April 19, 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.**

There is no indication that the Applicant or patent owner has been notified of this request for withdrawal. Accordingly, the request is **DENIED.**

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

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DISCOVISION ASSOCIATES
INTELLECTUAL PROPERTY DEVELOPMENT
2355 MAIN STREET, SUITE 200
IRVINE, CA 92614

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OFFICE OF PETITIONS

In re Patent No. 6,950,101 :
Issued: September 27, 2005 :
Application No. 10/248,175 : PATENT TERM ADJUSTMENT
Filed: December 23, 2002 :
Atty. Dkt. No.: ID 2700.03US :

This is a decision on the "APPLICATION FOR PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. § 1.705," filed November 4, 2005. This matter is being treated as a timely filed application for patent term adjustment under 37 C.F.R. § 1.705(d).

The application for patent term adjustment ("PTA") under 37 C.F.R. § 1.705(d) is **GRANTED**.

The above-identified application matured into U.S. Patent No. 6,950,101 on September 27, 2005. The instant request for reconsideration was timely filed November 4, 2005 in accordance with 37 C.F.R. § 1.705(d). The patent issued with a PTA of 269 days. Applicant argues that the adjustment of 338 was improperly reduced 69 days in connection with a "WORKFLOW - DRAWINGS FINISHED" entry in the PTA calculation worksheet contained in the PAIR system.

A review of the application history reveals that in accordance with 37 C.F.R. §§ 1.702(a)(1) and 1.703(a)(1), an adjustment of 338 days can be attributed to the Office. The adjustment of 338 days was errantly reduced 69 days in connection with a data entry that occurred on July 21, 2005. Accordingly, there was no failure by applicants to engage in reasonable efforts to conclude prosecution (or processing) within the meaning of 37 C.F.R. § 1.704.

Thus, at the time of issuance, the patent was entitled to a PTA 338 days, as argued by applicants. The PTA indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of 338 days.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction

to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 338 days.

The Office acknowledges submission of the required application fee of $200.00.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Alesia M. Brown at (571) 272-3205.

Kery A. Fries

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

Enclosure: Draft Certificate of Correction

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Paper No. 3

AUG 2 9 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Mord Michael Lewis
NAIPO (NORTH AMERICA
INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:	)	
Shye-Lin Wu	)	
Application No. 10/248,184	)	**DECISION ON REQUEST FOR**
Filed: December 25, 2002	)	**WITHDRAWAL AS ATTORNEY**
For: COMMUNITY-BASED MESSAGE CLASSIFICATION AND SELF-AMENDING SYSTEM FOR A MESSAGING SYSTEM	)	

This is a decision on the Request To Withdraw from Representation filed August 18, 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 August 18, 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

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

cc: Winston Hsu

UNITED STATES PATENT AND TRADEMARK OFFICE

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In re Application of :
Chang et al. :
Application No. 10/248,185 :
Filed: December 25, 2002 :
For: **METHOD FOR CONTROLLING THE POWER OF RADIO FREQUENCY SIGNALS EMITTED BY A WIRELESS COMMUNICATIONS DEVICE** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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DIRECTOR'S OFFICE
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In re Application of :
MENG-HUA KAO :
Application No. 10/248,186 :
Filed: December 25, 2002 :
For: **METHOD FOR RECEIVING RADIO SIGNALS WITH AN ACCESS POINT** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

#3

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NAIPO (NORTH AMERICA INTERNATIONAL
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In re Application of: Heng-Kuan LEE	)	
Application No. 10/248,188	)	**DECISION ON REQUEST FOR**
Filed: December 25, 2002	)	**WITHDRAWAL AS ATTORNEY**
For: ERROR CORRECTION CODE	)	
CIRCUIT WITH REDUCED	)	
HARDWARE COMPLEXITY	)	

This is a decision on the Request To Withdraw from Representation filed August 18, 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 above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the 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

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Paper No. 4

NAIPO (North America International Patent Office)
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DEC 16 2005

In re Application of:
Min-Cheng Kao
Serial No.: 10/248,189
Filed: December 25, 2002
Attorney Docket No.: FTCP0012USA

DECISION ON REQUEST
TO WITHDRAW FROM RECORD

This is a decision on the request filed by Mord Michael Lewis to withdraw as agent of record pursuant to 37 C.F.R. § 1.36 filed on August 18, 2003. The request was for Mr. Lewis alone.

The request is **APPROVED.** The withdrawal is effective as of the date of this letter not when the request for withdrawal was filed.

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

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

Edward Westin

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

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In re Application of	:	
Kao et al.	:	
Application No. 10/248,190	:	DECISION ON REQUEST TO
Filed: December 25, 2002	:	WITHDRAW AS ATTORNEY
For: **ADAPTER FOR INTERNETWORKING WWAN AND WLAN**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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Paper No. 4

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OCT 3 2003

In re Application of	:	
Tien-Hao Tang et al.	:	DECISION ON REQUEST TO
Application No.: 10/248,192	:	WITHDRAW FROM RECORD
Filed: December 25, 2002	:	
For: ESD PROTECTION DEVICE	:	

This is a decision on the request filed by Mord Michael Lewis to withdraw as agent of record pursuant to 37 C.F.R. § 1.36 filed on August 18, 2003. The request was for Mr. Lewis alone.

The request is **APPROVED** for the withdrawal of Mr. Lewis as an agent of record. The withdrawal is effective as of the date of this letter not when the request for withdrawal was filed.

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

The application remains awaiting a response to the Office action mailed on July 30, 2003.

Any inquiries concerning this decision should be directed to Edward Westin at (703) 308-4823.

Edward Westin

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

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Paper No. 10

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Tien-Hao Tang, et al. :
Application No. 10/248,192 :
Filed: December 25, 2002 :
Attorney Docket No. NAUP0277USA :

This is a decision on the petition under 37 CFR 1.137(b), filed September 13, 2004, to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 15, 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 application became abandoned on November 17, 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 2800, Art Unit 2815 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. 3

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT - 3 2003

In re Application of
Ching-Hsiang Hsu al.
Application No.: 10/248,193
Filed: December 25, 2002
For: INTEGRATED CIRCUIT EMBEDDED WITH SINGLE-POLY NON-VOLATILE MEMORY

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request filed by Mord Michael Lewis to withdraw as agent of record pursuant to 37 C.F.R. § 1.36 filed on August 18, 2003. The request was for Mr. Lewis alone.

The request is **APPROVED** for the withdrawal of Mr. Lewis as an agent of record. The withdrawal is effective as of the date of this letter not when the request for withdrawal was filed.

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

The application remains a docketed new case ready for examination.

Any inquiries concerning this decision should be directed to Edward Westin at (703) 308-4823.

Edward Westin

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

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Paper No. 100504

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

DEC 28 2004

In re Application of:	:	
LIN *et al.*	:	
Serial No.: 10/248,194	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: December 25, 2003	:	
Attorney Docket No.: **EMEP0047USA**	:	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin

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

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In re Patent No. 6,858,125	:	
Issue Date: Feb. 22, 2005	:	**DECISION GRANTING**
Appl No.: 10/248,214	:	**PETITION**
Filed: December 27, 2002	:	*37 CFR 1.324*
For: MULTI-AXIS NUMERICAL CONTROL	:	
ELECTROMACHING OF BLADED DISKS	:	
	:	
	:	

This is a decision on the petition filed June 12, 2006 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.

Roy King
Supervisory Patent Examiner
Art Unit 1742
Technology Center TC 1700

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

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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DATE: August 12, 2006
TO: Certificates of Correction Branch
FROM: Roy King
SPE, Art Unit 1742
SUBJECT: REQUEST FOR CERTIFICATE OF CORRECTION

Please issue a Certificate of Correction in U. S. Letters Patent No. 6,858,125 as specified on the attached Certificate.

Roy King, SPE
Art Unit 1742

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE

Patent No. 6,858,125
Patented: Feb. 22, 2005

On petition requesting issuance of a certificate for correction of inventorship pursuant to 35 U.S.C. 256, it has been found that the above identified patent, through error and without deceptive intent, improperly sets forth the inventorship. Accordingly, it is hereby certified that the correct inventorship of this patent is:

Bin Wei, Mechanicville, NY
Roger Etherington, Boxford, MA
Michael Lamphere, Hooksett, NH
Jeffrey Francis Wessels, Cincinnati, OH

Roy King
Supervisory Patent Examiner
Art Unit 1742

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 5

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
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SEP 1 7 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Shih et al. :
Application No. 10/248,250 :
Filed: December 31, 2002 :
For: **METHOD FOR REMOTELY UPDATING SOFTWARE FOR RADIO PORT** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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OFFICE OF PETITIONS

In re Patent No. 6,815,234 :
Issue Date: November 9, 2004 :
Application No. 10/248,253 :
Filed: December 31, 2002 :
Attorney Docket No. 2002P12444US :

ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed April 1, 2008, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **granted**.

The Publishing Division is directed to issue duplicate Letter Patent.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210. Any questions concerning issuance of the duplicate Letters Patent should be directed to either Niomi Farmer at (703) 308-9250 ext. 119.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, Fax (571) 270-9753.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : April 26, 2006

TO SPE OF : ART UNIT 1762 (S.P.E. Timothy Meeks)

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/248256 Patent No.: 6,746,712

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 see Foreign Priority Data – as Notice of Allowability has no boxes checked, which brings question.

ST~ STACY POWELL

Certificates of Correction Branch

703-308-9390 ext. 120

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: Certified copies of the foreign priority documents were never supplied,

TIMOTHY MEEKS
SUPERVISORY PATENT EXAMINER

SPE

1762
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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102003

OCT 10 2003

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

In re Application of	)	DECISION ON REQUEST TO
Kuo-Wen Chen et al.	)	WITHDRAW FROM RECORD
Application No. 10/248,276	)	
Filed: January 6, 2003	)	
Attorney Docket No. OTMP0037USA	)	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to Central Files where it awaits a response to the non-final Office action of July 17, 2003.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No. 5

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT 16 2003

In re Application of Kuo-Chin Huang et al. Application No.10/248,277 Filed: January 6, 2003 Attorney Docket No. OTMP0039USA	)))))	DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to Central Files where it awaits a response to the Office action mailed August 21, 2003.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No. 5

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT 23 2003

In re Application of	)	DECISION ON REQUEST TO
Chang-Hua Hsien et al.	)	WITHDRAW FROM RECORD
Application No.10/248,279	)	
Filed: January 6, 2003	)	
Attorney Docket No. NAUP0505USA	)	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to Central Files where it awaits examination in its turn.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 082004

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

OCT 1 2004

In re Application of:	:	
SHYE-LIN WU *et al.*	:	
Serial No.: 10/248,280	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: January 06, 2003	:	
Attorney Docket No.: **NAUP0388USA0**	:	

This is a decision on the request to withdraw as attorney/agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin

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

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Paper No. 080404

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

AUG 25 2004

In re Application of:	:	
Kung-Hong Lee Su *et al.*	:	
Serial No.: 10/248,282	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: January 6, 2003	:	
Attorney Docket No.: **EMEP0037USA0**	:	

This is a decision on the request to withdraw as attorney/agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Edward P. Westin at (571) 272-1638.

Edward Westin

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 100504

DEC 28 2004

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:	:	
LEE *et al.*	:	
Serial No.: 10/248,283	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: January 6, 2003	:	
Attorney Docket No.: **EMEP0045USA**	:	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin

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

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COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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AUG 26 2003

TECHNOLOGY CENTER 2100

Paper No. 3

NAIPO (NORTH AMERICA INTERNATIONAL
PATENT OFFICE)
P.O. BOX 506
MERRIFIELD, VA 22116

In re Application of: Rui-Fu CHAO, et al.	)	
Application No. 10/248,285	)	**DECISION ON REQUEST FOR**
Filed: January 6, 2003	)	**WITHDRAWAL AS ATTORNEY**
For: LINEAR ACCESS WINDOW	)	

This is a decision on the Request To Withdraw from Representation filed August 18, 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 above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the 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

UNITED STATES
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Commissioner for Patents
Washington, DC 20231
www.uspto.gov

3/29/03

Patent Documentation Center
Xerox Corporation
100 Clinton Avenue South, Xerox Square 20th Floor
Rochester NY 14644

Dear Applicant:

The Box PGPub replacement drawings for application number 10/248,287 received on 12/18/03 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Customer Service, Office of Initial Patent Examination, at 703-308-1202.

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TRADEMARK OFFICE

Commissioner for Patents
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Signature of Reviewer, Office of Initial Patent Examination

UNITED STATES PATENT AND TRADEMARK OFFICE

#8 DW

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AUG - 2 2003

MAILED

AUG 2 2004

OFFICE OF THE DIRECTOR
TC 3600

Tracy W. Druce, ESQ.
1496 Evans Farm Dr
McLean, VA 22101

In re Application of :
Johan Hulten :
Application No. 10/248,290 :
Filed: January 6, 2003 :
For: BRAKE COMPONENT, DISC BRAKE, :
DRUM BRAKE, AND METHOD FOR
MANUFACTURING A BRAKE COMPONENT

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on applicants' petition to withdrawal the holding of abandonment filed on July 7, 2004.

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

☒ Postcard receipt being dated November 19, 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/vdb: 7/26/04

STEVEN N. MEYERS
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 3600

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NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET, NW
400 EAST TOWER
WASHINGTON, DC 20005

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JAN 3 1 2006

OFFICE OF PETITIONS

In re Application of	:	
Johan Hulten	:	
Application No. 10/248,290	:	ON PETITION
Filed: January 6, 2003	:	
Attorney Docket No. 06730.0035PCUS00	:	

This is a decision on the petition under 37 CFR 1.137(b), filed by facsimile transmission on December 26, 2005, to revive the above-identified application.

The application became abandoned for failure to reply to the final Office action mailed January 6, 2005. A Notice of Abandonment was mailed on July 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 a continuation application; (2) the petition fee of $1,500; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 11/306,376.

The application file is being referred to the Files Repository.

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
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Date Mailed : 3-28-06

Patent No.: 6,986,116
Patent Issued : January 10, 2006
Inventor(s) : Thomas Walker Fry, et. al.
Title: SIGNAL BALANCING BETWEEN VOLTAGE DOMAINS
Docket No.: BUR920020137US1

Re: Request for Certificate of Correction

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

The alleged error in col. 2, line 54 is printed in accordance with the record.

In view of the foregoing, your request in this matter is hereby denied. However, further consideration will be given upon receipt of a request for reconsideration directed to Decisions & Certificates of Correction Branch.

Eva James
For Cecelia B. Newman
Certificate of Correction Branch
(703) 308-9390 ext. 124 or ext. 102

Richard M. Kotulak
IBM Corporation
1000 River Street
Bldg. 972-2
Essex JCT., VT 05452

ej

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NOVAK DRUCE & QUIGG LLP
1300 EYE ST NW
SUITE 400
WASHINGTON DC 20005

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APR 18 2005

OFFICE OF PETITIONS

In re Application of	:	
Ihonen, et al.	:	
Application No. 10/248,304	:	ON PETITION
Filed: January 7, 2003	:	
Attorney Docket No. 07589.0080PC	:	

This is a decision on the petition under 37 CFR 1.137(b), filed March 18, 2005.

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 August 10, 2004. This Office action set a shortened statutory period for reply of three months. No extensions of time under 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 11, 2004. The mailing of this decision precedes the mailing of a Notice of Abandonment.

Petitioner has 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 $1590.00 extension of time fee submitted with the petition on March 18, 2005 was subsequent to the maximum period obtainable for reply (February 10, 2005), this fee has been refunded to Deposit Account No. 14-1437.

The application file is being forwarded to Group Art Unit 1745 for consideration of the amendment filed March 18, 2005.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo

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
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1300 EYE STREET NW
SUITE 1000 WEST TOWER
WASHINGTON DC 20005

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SEP 28 2007

OFFICE OF PETITIONS

In re Application of	:	
Ihonen, et al.	:	
Application No. 10/248,304	:	ON PETITION
Filed: January 7, 2003	:	
Attorney Docket No. 7589.080.PCUS00	:	

This is a decision on the petition to withdraw the holding of abandonment under 37 CFR 1.181, or in the alternative to revive under 37 CFR 1.137(b), filed September 5, 2007.

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

The petition under 37 CFR 1.137(b) is **DISMISSED** as moot.

This application was held abandoned for failure to timely file a reply to the Notice of Non-Compliant Amendment mailed April 21, 2005. This Notice set an extendable period for reply of one (1) month. No reply having been received, the application became abandoned on May 22, 2005. The Office mailed a Notice of Abandonment on January 25, 2006.

Petitioner contends that he did timely file the issue fee. In support, petitioner has included a copy of a USPTO date stamped postcard receipt dated May 21, 2005, and itemizing a corrected response to Office action.

A postcard receipt which itemizes and properly identifies the items which are being filed serves as *prima facie* evidence of receipt in the Office of all items listed thereon on the date stamped thereon by the Office. See MPEP 503.

In view thereof, **THE HOLDING OF ABANDONMENT IS WITHDRAWN.**

The matter is being forwarded to Group Art Unit 1745 for consideration of the response filed May 21, 2005 (as shown by the postcard receipt), a copy of which was supplied on January 8, 2006.

Telephone inquiries regarding this decision should be directed to the undersigned at (571)272-3207.

Cliff Congo
Petitions Attorney
Office of Petitions

SPE M. Colaianni

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/4/06

TO SPE OF : ART UNIT 1732

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/248,306 Patent No.: 7005091

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: _____

Christina Johnson — 1732
SPE — **Art Unit**

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JUN - 6 2006

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05252006

GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON DC 20036-2680

In re Application of MATSUSHITA et al. Application No. 10/248,321 Filed: January 9, 2003 Attorney Docket No. RHM-US010052	: : : : :	DECISION ON PETITION

This is a decision on the petition filed March 25, 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 restriction requirement was mailed July 3, 2003, setting a one-month shortened statutory period for filing a response. In the absence of a response, the application was held abandoned and a Notice of Abandonment was mailed March 5, 2004.

Petitioner asserts that a response was timely filed by facsimile transmission on July 31, 2003. To support the assertion, petitioner submitted 1) a copy of a response entitled "Response to Restriction Requirement" which bears a certificate of transmission under 37 C.F.R. § 1.8(a) dated July 31, 2003 and 2) a copy of the sending unit's report confirming successful transmission of two pages and 3) a statement attesting to the personal knowledge of the facsimile transmission of the Response to Restriction Requirement.

A review of the application file record reveals that the above-identified response is not of record in the application file and cannot be located. However, 37 CFR § 1.8(b) provides for accepting a correspondence as being timely filed if it is transmitted in accordance with 37 CFR § 1.8(a), and is 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 Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered

> timely if the party who forwarded such correspondence: (1) informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence; (2) supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and (3) includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition meets the conditions of 37 CFR § 1.8(b) to establish the previous timely filing of the response.

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

The application file is being forwarded to the technical support staff for processing the paper entitled "Response to Restriction Requirement." From there, it will be returned to the examiner for further prosecution.

Robert Oberleitner, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JUN - 6 2006

TECHNOLOGY CENTER 2800

05252006

07

GLOBAL IP COUNSELORS, LLP
1233 20TH STREET, NW, SUITE 700
WASHINGTON DC 20036-2680

In re Application of	:	
MATSUSHITA et al.	:	DECISION ON PETITION
Application No. 10/248,321	:	
Filed: January 9, 2003	:	
Attorney Docket No. RHM-US010052	:	

This is a decision on the petition filed March 25, 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 restriction requirement was mailed July 3, 2003, setting a one-month shortened statutory period for filing a response. In the absence of a response, the application was held abandoned and a Notice of Abandonment was mailed March 5, 2004.

Petitioner asserts that a response was timely filed by facsimile transmission on July 31, 2003. To support the assertion, petitioner submitted 1) a copy of a response entitled "Response to Restriction Requirement" which bears a Certificate of Transmission under 37 C.F.R. § 1.8(a) dated July 31, 2003 and 2) a copy of the sending unit's report confirming successful transmission of two pages and 3) a statement attesting to the personal knowledge of the facsimile transmission of the Response to Restriction Requirement.

A review of the application file record reveals that the above-identified response is not of record in the application file and cannot be located. However, 37 CFR § 1.8(b) provides for accepting a correspondence as being timely filed if it is transmitted in accordance with 37 CFR § 1.8(a), and is 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 Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered

> timely if the party who forwarded such correspondence: (1) informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence; (2) supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and (3) includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

The petition meets the conditions of 37 CFR § 1.8(b) to establish the previous timely filing of the response.

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

The application file is being forwarded to the technical support staff for processing the paper entitled "Response to Restriction Requirement." From there, it will be returned to the examiner for further prosecution.

Robert Oberleitner, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET NW
400 EAST TOWER
WASHINGTON DC 20005

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APR 13 2006

OFFICE OF PETITIONS

In re Application of
Wipenmyr
Application No. 10/248,344
Filed: January 10, 2003
Attorney Docket No. 06730.0015.NPUS01

ON PETITION

This is a decision on petition to withdraw the holding of abandonment under 37 CFR 1.181.

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

This application was held abandoned November 7, 2004 for failure to timely reply to the non-final Office Action mailed on August 6, 2004. The non-final Office Action set a three (3) month extendable time period for reply. A Notice of Abandonment was mailed May 17, 2005.

Petitioner asserts that a reply to the non-final Office Action and two month request for extension of time were timely submitted on January 18, 2005 with a certificate of mailing of January 6, 2005. 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 which contains a certificate of mailing pursuant to 37 CFR 1.8.

The response submitted January 18, 2005 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 2800 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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 7

MORRIS, MANNING & MARTIN LLP
6000 FAIRVIEW ROAD
SUITE 1125
CHARLOTTE, NC 28210

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OCT 3 1 2003

OFFICE OF PETITIONS

In re Application of:	:	
Henry Tsuei, Stephen Wells,	:	
Lynn Holm Blagg, and Peter R. Barton	:	
Application No. 10/248,345	:	
Filed: January 10, 2003	:	DECISION GRANTING
Title of Invention: ANONYMOUS CARD	:	STATUS UNDER
TRANSACTIONS	:	37 CFR 1.47

This Decision is in response to a Petition Under 37 C.F.R. 1.47(a), filed August 4, 2003, to allow the other inventor(s) to proceed with the application on behalf of himself or herself and the nonsigning legal representative of a deceased inventor.

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 legal representative of deceased inventor Peter R. Barton, Laura P. Barton, refuses to join in the application.

As provided in Rule 1.47(a), this Office will forward notice of this application's filing to the legal representative of the non-signing 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 returned to the Office of Initial Patent Examination for continued processing.

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
www.uspto.gov

Ms. Laura P. Barton
1 Pond Road
Englewood, CO 80113

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OCT 3 1 2003

OFFICE OF PETITIONS

In re Application of:
Henry Tsuei, Stephen Wells,
Lynn Holm Blagg, and Peter R. Barton
Application No. 10/248,345
Filed: January 10, 2003
Title of Invention: ANONYMOUS CARD TRANSACTIONS

LETTER

Dear Ms. Barton:

You are named as the legal representative of 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 the legal representative of a joint inventor.

As the legal representative of 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: MORRIS, MANNING & MARTIN LLP
6000 FAIRVIEW ROAD
SUITE 1125
CHARLOTTE, NC 28210

UNITED STATES PATENT AND TRADEMARK OFFICE

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

STUART T. AUVINEN
429 26TH AVENUE
SANTA CRUZ CA 95062-5319

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APR 1 8 2008

OFFICE OF PETITIONS

In re Patent No. 7,095,786 :
Issue Date: August 22, 2006 :
Application No. 10/248,348 :
Filed: January 11, 2003 :
Attorney Docket No. NM-99 :

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**.

This application no longer qualifies for small entity status. Accordingly, all future fees in this file must be paid at the large entity rate, absent further notification from a proper party of a change in status. ***See 37 CFR 1.27(c)(2).***

Inquiries related to this communication should be directed to the undersigned at (571) 272-3208.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

TRACY W. DRUCE, ESQ.
1496 EVANS FARM DR
MCLEAN, VA 22101

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JUN 2 4 2004

OFFICE OF PETITIONS

In re Application of :
Strandberg, et al. :
Application No. 10/248,355 :
Filed: January 13, 2003 :
Attorney Docket No. 07589.0078PC :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 27, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Office action mailed September 10, 2003. Accordingly, this application became abandoned on December 11, 2003. A Notice of Abandonment was mailed on April 28, 2004.

The file is being forwarded to Technology Center 3600 for review of the amendment filed April 27, 2004.

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

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TRACY W. DRUCE, ESQ.
1496 EVANS FARM DR.
MCLEAN, VA 22101

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NOV 1 5 2004

OFFICE OF PETITIONS

In re Application of :
Strandberg, et al :
Application No. 10/248,355 :
Filed: January 13, 2003 :
Attorney Docket No. 07589.0078PC :

ON PETITION

CORRECTED DECISION

This is a decision on the petition under 37 CFR 1.137(b), filed April 27, 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 September 10, 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) was obtained. Accordingly, the above-identified application became abandoned on December 11, 2003.

The decision mailed June 24, 2004 is hereby vacated as of the mail date of the decision.

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

The matter is being forwarded to Technology Center AU 3683 for further processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVAK DRUCE AND QUIGG LLP (VOLVO)
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON, TX 77002

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AUG 20 2008

In re Application of	:	
Jonny Strandberg et al	:	
Application No. 10/248,355	:	ON PETITION
Filed: January 13, 2003	:	
Attorney Docket No. 7589.078.PCUS00	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 3, 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 a Request for Continued Examination (RCE) and fee of $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 3683 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

September 23, 2003

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT 1

In re Application of	)	DECISION ON REQUEST TO
Chu-Jung Shih et al.	)	WITHDRAW FROM RECORD
Application No.010/248,361	)	
Filed: January 1, 2003	)	
Attorney Docket No. TOPP0002USA	)	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to Central Files where it awaits a response to the outstanding Office action.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

OIPE JC
AUG 1 8 2003
PATENT & TRADEMARK

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Shye-Lin Wu	Examiner:	
Filing Date:	2003/1/14	Art Unit:	
App. No.:	10/248,361	Docket No.:	TOPP0002USA0

Title: METHOD OF FABRICATING POLYSILICON FILM BY EXCIMER LASER ANNEALING PROCESS

RECEIVED
SEP 1 6 2003
OFFICE OF THE SPECIAL PROGRAMS EXAMINER

To: Assistant Commissioner for Patents
P.O.BOX 1450
Alexandria, VA 22313-1450

Subject: Request for withdrawal as agent

Dear Sir or Madame:

I hereby apply to withdraw as agent for the above identified patent/patent application. The reason for this request is that I am leaving my current office of employment to attend law school.

Although I am requesting to withdraw from the above patent/patent application, Winston Hsu, agent registration No. 41,526, will continue to serve as the primary agent of record for this case. **This request for withdraw *does not affect* the status of Mr. Hsu as the principle agent of record for the above-identified case.** Consequently, the correspondence address is **NOT** affected by this withdrawal. Furthermore, as Mr. Hsu will continue acting as the agent of record, my withdrawing from this case will not affect the client's ability to obtain timely representation. Mr. Hsu, as my employer, has agreed to my withdrawal and will continue handling all aspects of this case. I therefore believe in good faith that the USPTO should find this request for withdrawal acceptable.

Sincerely yours,

Date: 7/18/2003

Mord Michael Lewis, Patent Agent No 50,478

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

GIGETTE M. BEJIN
FORD GLOBAL TECHNOLOGIES, LLC
600 PARKLANE EAST, ONE PARKLAN BLVD
DEARBORN MI 48126

In re Application of	:
Peng	:
Application No. 10/248,364	: DECISION GRANTING PETITION
Filed: January 14, 2003	: UNDER 37 CFR 1.137(b)
Attorney Docket No. 202-063	:

This is a decision on the petition under 37 CFR 1.137(b), filed October 21, 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 July 8, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 8, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the Issue Fee; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the Issue Fee payment is accepted as having been unintentionally delayed.

The 37 CFR 1.137(b) petition fee of $1370 has been charged to deposit account No. 06-1510

This application is being referred to the Office of Publications.

Telephone inquiries concerning 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Director's Office
Group 3700

Gregory G. Williams
SIMMONS, PERRINE, ALBRIGHT & ELLWOOD, P.L.C.
Third Floor Tower Place
22 South Linn Street
Iowa City, Iowa 52240

In re Application of	: DECISION ON PETITION
Matthew W. Rissi	: TO MAKE SPECIAL
Serial No. : 10/248,368	: (INFRINGEMENT)
Filed : January 14, 2003	:
For : **ADJUSTABLE SPINNER FOR A PARTICULATE MATERIAL SPREADER**	

This is a decision on the petition under C.F.R. § 1.102(d) filed January 14, 2003, to make the above-identified application special. The petition requests that the above-identified application be made special under the procedure set forth in M.P.E.P § 708.02, item II: Infringement.

MPEP 708.02 states that a Petition to Make Special based on Infringement must have the following: (1) the appropriate petition fee under 37 CFR 1.17(h); (2) a statement by the assignee, applicant, or attorney alleging: (A) that there is an infringing device or product actually on the market; (B) that a rigid comparison of the alleged infringing device or product 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 a careful and thorough search of the prior art, or has good knowledge of the prior art, and has sent a copy of the references deemed most closely related to the subject matter encompassed by the claims.

The petition filed January 14, 2003, includes all of the requirements above and, therefore, 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 and 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.

Richard A. Bertsch

Richard A. Bertsch, Director
Technology Center 3700
Phone: (571) 272-3750
rt/ 9/1/05

ATTENTION ATTENTION ATTENTION

Method of Refund:

- [ ] ACH/EFT
- [ ] Credit Card
- [x] Deposit Account # 50-0801
- [ ] Treasury Check

Patent/TM/App/Serial # 10/648,335

Program Area Publishing

Date Processed 8/22/2005

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JUL 11 2005
PATENT & TRADEMARK OFFICE

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Jia-Jio Huang, Yi-Ping Lin

Appl. No. : 10/248,375 Filing Date: 01/15/2003

Examiner : WAMSLEY, PATRICK G Art Unit : 2819

Docket No.: FTCP0006USA

Title: METHOD FOR IMPROVING SUCCESSIVE APPROXIMATION ANALOG-TO-DIGITAL CONVERTER

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

Subject : Request for refund of publication fee

Dear Sir ,

The issue fee and publication fee of the above identified application was paid on 04/27/2004 (~~Attachment 1~~). And the publication fee $300 was deducted from the deposit account no. 50-0801 on 04/29/2004 (Attachment 1). But the above-identified application was issued as a patent on 06/08/2004 without publication process (Attachment 2).

02 FC:1504 300.00 CR

The applicant hereby requests to refund the publication fee $300 to the Deposit Account No. 50-0801 pursuant to CFR 1.211(e) and MPEP 1126. Your quick response will be greatly appreciated.

Sincerely yours,

Winston Hsu Date: JUL 07 2005

Winston Hsu, Patent Agent No. 41,526
P.O. Box 506, Merrifield, Virginia 22116, U.S.A
Voice Mail: 302-729-1562
Facsimile : 806-498-6673
e-mail : winstonhsu@naipo.com

Note: Please leave a message in my voice mail if you need to talk to me. (The time in D.C. is 12 hours behind the Taiwan time, i.e. 9 AM in D.C. = 9 PM in Taiwan.)

BEST AVAILABLE COPY

Attachment 1

04/23	33	10709236	NAUP0464USA	8021	$40.00	$24,199.92
04/23	124	10605744	MTKP0086USA	8007	$40.00	$24,159.92
04/23	126	60483926	IFTP0004USA	8007	$40.00	$24,119.92
04/23	215	10065663	ALIP01 0USA	1501	$1,330.00	$22,789.92
04/23	216	10065663	ALIP01 0USA	1504	$300.00	$22,489.92
04/26	3	10604245	KYCP0010USA	2201	$43.00	$22,446.92
04/26	4	10604245	KYCP0010USA	2202	$9.00	$22,437.92
04/26	5	10604245	KYCP0010USA	2251	$55.00	$22,382.92
04/27	20	10709276	NAUP0539USA	1001	$770.00	$21,612.92
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04/28	17	PAYMENT		9203	-$13,709.00	$32,511.92
04/28	46	10709302	NAUP0565USA	1001	$770.00	$31,741.92
04/28	47	10709302	NAUP0565USA	8021	$40.00	$31,701.92
04/28	65	10709311	NTCP0034USA	1001	$770.00	$30,931.92
04/28	66	10709311	NTCP0034USA	8021	$40.00	$30,891.92
04/29	57	10709336	MTKP0141USA	1001	$770.00	$30,121.92
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04/29	60	10709337	MTKP0172USA	1001	$770.00	$28,951.92
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04/29	62	10709337	MTKP0172USA	8021	$40.00	$28,893.92
04/29	63	10709338	MTKP0167USA	1001	$770.00	$28,123.92
04/29	64	10709338	MTKP0167USA	1202	$36.00	$28,087.92
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04/29	67	10709339	MTKP0170USA	1202	$36.00	$27,241.92
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04/29	71	10709340	MTKP0169USA	8021	$40.00	$26,337.92
04/29	72	10709341	MTKP0168USA	1001	$770.00	$25,567.92
04/29	73	10709341	MTKP0168USA	1202	$18.00	$25,549.92
04/29	74	10709341	MTKP0168USA	8021	$40.00	$25,509.92
04/29	75	10709342	MTKP0171USA	1001	$770.00	$24,739.92
04/29	76	10709342	MTKP0171USA	1202	$54.00	$24,685.92
04/29	77	10709342	MTKP0171USA	8021	$40.00	$24,645.92
04/29	78	10709343	ACMP0106USA	1001	$770.00	$23,875.92
04/29	79	10709343	ACMP0106USA	8021	$40.00	$23,835.92
04/29	94	29204111	ACIP0024USA	8021	$40.00	$23,795.92
04/29	153	10604976	PMDP0001USA	1501	$1,330.00	$22,465.92
04/29	154	10604976	PMDP0001USA	1504	$300.00	$22,165.92
04/29	155	10604342	NTCP0007USA	1501	$1,330.00	$20,835.92
04/29	156	10604342	NTCP0007USA	1504	$300.00	$20,535.92
04/29	317	10249021	GTXP0005USA	2501	$665.00	$19,870.92
04/29	318	10249021	GTXP0005USA	1504	$300.00	$19,570.92
04/29	319	10248375	FTCP0006USA	2501	$665.00	$18,905.00
04/29	320	10248375	[illegible]			

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Attachment 2

United States Patent and Trademark Office

PATENT APPLICATION INFORMATION RETRIEVAL

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Search results as of: 6-23-2005::22:33:10 E.T.

Search results for application number: 10/248,375

Application Number:	10/248,375	Customer Number:	27765
Filing or 371(c) Date:	01-15-2003	Status:	Patented Case
Application Type:	Utility	Status Date:	05-20-2004
Examiner Name:	WAMSLEY, PATRICK G	Location:	ELECTRONIC
Group Art Unit:	2819	Location Date:	-
Confirmation Number:	5823	Earliest Publication No:	-
Attorney Docket Number:	FTCP0006USA	Earliest Publication Date:	-
Class/ Sub-Class:	341/156	Patent Number:	6,747,588
First Named Inventor:	Jia-Jio Huang, Hsin-Chu City, (TW)	Issue Date of Patent:	06-08-2004
Title Of Invention:	METHOD FOR IMPROVING SUCCESSIVE APPROXIMATION ANALOG-TO-DIGITAL CONVERTER		

Search Options

- Assignments
- Display References
- Image File Wrapper
- Maintenance Fees - Retrieve fees to pay
- Maintenance Fees - View payment windows
- Maintenance Statement - View 04 year payment window
- Maintenance Statement - View 08 year payment window
- Maintenance Statement - View 12 year payment window
- Patent Term Adjustment History
- Published Documents

Maintenance Fees Available: Mon-Fri 5:30 AM to Midnight, Sat-Sun-Hol. 7:30 AM to 8:00 PM E.T.

File History

Date	Contents Description
06-30-2004	Recordation of Patent Grant Mailed
05-20-2004	Issue Notification Mailed
06-08-2004	Patent Issue Date Used in PTA Calculation
05-10-2004	Receipt into Pubs
05-06-2004	Application is Considered Ready for Issue
01-15-2003	Workflow - Drawings Finished

04-28-2004	Issue Fee Payment Verified
04-30-2004	Receipt into Pubs
04-28-2004	Issue Fee Payment Received
03-25-2004	Receipt into Pubs
03-24-2004	Workflow - File Sent to Contractor
03-02-2004	Mail Notice of Allowance
02-04-2004	IFW TSS Processing by Tech Center Complete
02-02-2004	Notice of Allowance Data Verification Completed
02-02-2004	Case Docketed to Examiner in GAU
02-02-2004	Issue Revision Completed
02-02-2004	Notice of Allowability
03-03-2003	Case Docketed to Examiner in GAU
02-05-2003	Application Dispatched from OIPE
02-04-2003	Application Is Now Complete
01-30-2003	Cleared by L&R (LARS)
01-27-2003	IFW Scan & PACR Auto Security Review
01-17-2003	IFW Scan & PACR Auto Security Review
01-15-2003	Initial Exam Team nn

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OIPE JC139 JUL 11 2005 PATENT & TRADEMARK OFFICE

Dep & Ref #807

PTO/SB/21 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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

TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission: 6

Application Number	10/248,375
Filing Date	01/15/2003
First Named Inventor	Jia-Jio Huang
Art Unit	2819
Examiner Name	WAMSLEY, PATRICK G
Attorney Docket Number	FTCP0006USA

ENCLOSURES *(Check all that apply)*

- [ ] Fee Transmittal Form
  - [ ] Fee Attached
- [ ] Amendment/Reply
  - [ ] After Final
  - [ ] Affidavits/declaration(s)
- [ ] Extension of Time Request
- [ ] Express Abandonment Request
- [ ] Information Disclosure Statement
- [ ] Certified Copy of Priority Document(s)
- [ ] Reply to Missing Parts/ Incomplete Application
  - [ ] Reply to Missing Parts under 37 CFR 1.52 or 1.53
- [ ] Drawing(s)
- [ ] Licensing-related Papers
- [ ] Petition
- [ ] Petition to Convert to a Provisional Application
- [ ] Power of Attorney, Revocation Change of Correspondence Address
- [ ] Terminal Disclaimer
- [x] Request for Refund
- [ ] CD, Number of CD(s) _____
  - [ ] Landscape Table on CD
- [ ] After Allowance Communication to TC
- [ ] Appeal Communication to Board of Appeals and Interferences
- [ ] Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
- [ ] Proprietary Information
- [ ] Status Letter
- [x] Other Enclosure(s) (please identify below):
  1. A copy of the deposit account statement
  2. A copy of the application data and transaction history

Remarks

Request for a refund of publication fee

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	North America Intellectual Property Corp.		
Signature	Winston Hsu		
Printed name	Winston Hsu		
Date	JUL 07 2005	Reg. No.	41,526

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name		Date	

This collection of information is required by 37 CFR 1.5. 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 and1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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JUL 05 2007

OFFICE OF PETITIONS

Francis J. Thornton
4205 Ethan Allen Highway
Charlotte VT 05445

In re Application of	:	
KELLER et al.	:	DECISION
Application No. 10/248,380	:	ON PETITION
Filed: January 15, 2003	:	
Attorney Docket No. BUR920010160	:	

This is a decision on a petition filed March 13, 2007 under 37 CFR 1.137(a), which is being treated as a petition under 37 CFR 1.181(no fee) to withdraw the holding of abandonment of the above-identified application.

The petition under 37 CFR 1.181 is **GRANTED**. The holding of abandonment is vacated, and this application restored to pending status.

The application purportedly became abandoned for failure to timely pay the issue and publication fees on or before July 20, 2006, as required by the Notice of Allowance and Fee(s) Due (Notice), mailed April 20, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application supposedly became abandoned on July 21, 2006. A Notice of Abandonment was mailed August 28, 2006, indicating applicant did not timely pay the required issue and publication fees.

Petitioner argues that Part B – Fee(s) Transmittal of the Notice was timely submitted on June 15, 2006. The form has a mark besides the Issue Fee box and includes an authorization to charge the required fees to Deposit Account Number 09-0456. Petitioner also acknowledges that the box next to the authorization language was not checked. However, as correctly identified, MPEP 1306 states:

> [w]here it is clear that an applicant actually intends to pay the issue fee and required publication fee, but the proper fee payment is not made, for example, an incorrect issue fee amount is supplied, or a PTOL-85B Fee(s) Transmittal form is filed without payment of the issue fee, a general authorization to pay fees or a specific authorization to pay the issue fee, submitted prior to the mailing of a notice of allowance, will be allowed to act as payment of the correct issue fee. 37 CFR 1.311(b). In addition, where the deposit account information is added to the Fee(s) Transmittal form (PTOL-85B), but the check box authorizing that the deposit account be charged the issue fee is not checked, the deposit account will still be charged the required issue fee and any required publication fee.

Thus even though the petitioner did not mark the fee authorization box, the Office should have charged the required issue and publication fees to Deposit Account 09-0456. Because sufficient

funds were in the deposit account and the authorization to charge fees was timely submitted, the Notice of Abandonment was mailed in error.

Since the petition has been treated under 37 CFR 1.181 (no fee), the Office will refund the petition fee of $1500 to Deposit Account 09-0456.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

The application matter is being forwarded to the Office of Publications for further processing.

Frances Hicks
Lead Paralegal
Office of Petitions

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Paper No. 4
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JAN 2 3 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

In re Application of
Chou et al.
Application No. 10/248,443
Filed: January 21, 2003
For: **METHOD AND DEVICE FOR GENERATING A WRITE CLOCK OF A CONSTANT ANGULAR VELOCITY OPTICAL DISK DRIVE**

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The Request to Withdraw as Attorney is **DISMISSED AS MOOT**.

Attorney requesting withdraw is not of record.

Further communications will 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 3

MAIL

JAN 23 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

In re Application of :
Hung et al. :
Application No. 10/248,444 :
Filed: January 21, 2003 :
For: **DATA SLICER CAPABLE OF AUTOMATICALLY REMOVING CURRENT MISMATCH BETWEEN CURRENT PUMPS INCORPORATED THEREIN AND ITS OPERATING METHOD** :

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The Request to Withdraw as Attorney is **DISMISSED AS MOOT**.

Attorney requesting withdraw is not of record.

Further communications will 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.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

#4

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TECHNOLOGY CENTER 2100

Paper No. 4

NAIPO (NORTH AMERICA INTERNATIONAL
PATENT OFFICE)
P.O. BOX 506
Merrifield, VA 22116

In re Application of: Kuo-Kuang CHEN, et al.	)	
Application No. 10/248,445	)	
Filed: January 21, 2003	)	**DECISION ON REQUEST FOR**
For: DAISY CHAINED ATA HOST	)	**WITHDRAWAL AS ATTORNEY**
CONTROLLERS IN A SINGLE PCI	)	
DEVICE	)	

This is a decision on the Request To Withdraw from Representation filed August 18, 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 ocntinue to be directed to the above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the 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

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CRAWFORD MAUNU PLLC
1270 NORTHLAND DRIVE, SUITE 390
ST PAUL MN 55120

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FEB 07 2008

OFFICE OF PETITIONS

In re Application of :
Danielle K. Dittrich et al :
Application No. 10/248,450 : ON PETITION
Filed: January 21, 2003 :
Attorney Docket No. BLD920010022 :

This is a decision on the petition filed October 1, 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 June 21, 2007, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 22, 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.

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 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

cc: David J. Hill
Chambliss Bahner & Stophel PC
Two Union Sq., 1000 Tallan Bldg.
Chattanooga, TN 37402

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Paper No. 080404

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

AUG 11 2004

In re Application of:	:	
Chung-Kuang Wei et al	:	
Serial No.: 10/248,469	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: January 22, 2003	:	
Attorney Docket No.: **CMOP0009USA0**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself. There is at least thirty (30) days remaining 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.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Hien H. Phan at (571) 272-1606.

Hien H. Phan, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN - 8 2005

In re Application of KUMAGAI, MASAYOSHI
Appl. No.: 10/248,476
Filed: January 22, 2003

WITHDRAWAL FROM ISSUE
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 application is being withdrawn to permit reopening of prosecution. The reasons therefor will be communicated to you by the examiner.

U.S. Patent and Trademark Office records reveal that the issue fee and the publication fee have not been paid. If the issue fee and the publication fee have 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 Fees Due, applicant may request that the previously submitted issue fee and publication fee be applied toward payment of the issue fee and publication fee in the amount identified on the new Notice of Allowance and Issue and Publication Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

The application is being forwarded to the examiner for action.

Robert Oberleitner
Director
Patent Examining Technology Center 3600

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

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10035 - 105 STREET
EDMONTON, ALBERTA AB T5J3T-2 CA CANADA

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Robert A. Edwards, et al. :
Application No. 10/248,526 :
Filed: January 27, 2003 :
Attorney Docket No. 45074.39 :

This is a decision on the petition under 37 CFR 1.137(b), filed October 26, 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 March 26, 2007. 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 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). On October 26, 2007, 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, 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 petitioner is authorized to represent the particular party on whose behalf he acts. A courtesy copy of this decision is being mailed to petitioner. However, until otherwise instructed, all future correspondence regarding this application file will be directed solely to the above-noted correspondence address of record.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE), including the fee of $405 and the submission required by 37 CFR 1.114; (2) the petition fee of $770; and (3) an adequate statement of unintentional delay[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 1795 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

cc: TRAVIS WOHLERS / STEVEN L. HIGHLANDER
FULBRIGHT AND JAWORSKI LLP
600 CONGRESS AVE STE 2400
AUSTIN, TX 78701

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FULBRIGHT & JAWORSKI L.L.P.
600 CONGRESS AVE.
SUITE 2400
AUSTIN, TX 78701

Mail Date: 04/21/2010

Applicant	: Robert A. EDWARDS	: DECISION ON REQUEST FOR
Patent Number	: 7569130	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/248,526	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 01/27/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **539** 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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NEW HAVEN CT 06510

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OFFICE OF PETITIONS

In re Application of	:	
Clouse et al.	:	
Application No. 10/248,532	:	ON PETITION
Filed: January 27, 2003	:	
Attorney Docket No. EH-10769 (04-537)	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 10, 2006, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an Amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the response has been accepted as having been unintentionally delayed.

This matter is being referred to Technology Center 2800 for further examination on the merits.

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

Liana Chase
Petitions Examiner
Office of Petitions

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)
6796072	2004-09-28	10248533	2003-01-27	B40P643US2

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

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

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

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

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

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

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/david r. josephs/	Date (YYYY-MM-DD)	2009-11-03
Name	David R. Josephs	Registration Number	34632

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

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In re Patent No. 6796072
Issue Date: September 28,2004
Application No. 10248533
Filed: January 27,2003
Attorney Docket No. P00643-US2

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

This is a decision on the electronic petition, filed November 3,2009 ,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 November 3,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

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Paper No. 4
MAIL

MAY 13 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

In re Application of
David Allen Langan, et al. :

Application No. 10/248,560 :
Filed: January 29, 2003 :
For: METHOD AND APPARATUS FOR PROVIDING A STANDARD VIDEO INTERFACE :

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 April 5, 2004.

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

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

All attorneys/agents associated with Customer Number 22428 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.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications

CC: General Electric Company
Global Research
Patent Docket Room, Building K1-4A59
P.O. Box 8
Schenectady, NY 12301

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Paper No. 5

FOLEY AND LARDNER
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

MAIL

MAY 13 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Langan

Application No. 10/248,561
Filed: January 29, 2003
For: METHOD AND APPARATUS FOR CORRECTING DIGITAL X-RAY IMAGES

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the Request for Withdrawal as attorney of record and change of address filed on April 05, 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 associated with Customer Number 22428 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.

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

CC: General Electric Company
Global Research
Patent Docket Room, Building K1-4A59
P.O. Box 8
Schenectady, NY 12301

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MAR 1 0 2005

Technology Center 2100

Paper No. 7

John R. Harris
Morris, Manning & Martin LLP
6000 Fairview Road
Suite 1125
Charlotte, NC 28210

In re Application of: Wheeler, et al.	)	
Application No. 10/248,604	)	DECISION ON PETITION TO
Attorney Docket No. 10399-34425	)	WITHDRAW HOLDING OF
Filed: January 31, 2003	)	ABANDONMENT UNDER 37 CFR
For: ABDS METHOD AND	)	§1.181
VERIFICATION STATUS FOR	)	
AUTHENTICATING ENTITY ACCESS		

This is a decision on the petition to withdraw the holding of abandonment, under 37 CFR §1.181, filed October 13, 2004 (certificate of fax transmission June 29, 2004). Acknowledgement is made of the status letter filed September 9, 2004.

The instant application became abandoned for failure to timely respond to the Office action mailed October 27, 2003. A notice of abandonment was mailed on June 14, 2004. A grantable petition must include a copy of the response and proof of timely filing of the response. ***A properly used Certificate of Mail or Transmission that include a 37 CFR §1.8(b)(3) statement and Patent Office generated Fax receipts that properly identify the contents of the submission, are acceptable*** [Emphasis Added]. No fee is required.

The Petition is **DISMISSED.**

Petitioner has provided evidence in the petition that includes: a copy of the faxed response, amendment and cover sheet dated March 5, 2004 bearing a certificate of transmission under 37 CFR §1.8(a); transmittal form PTO/SB/21; PTO/SB/06 fee determination; PTO/SB/17 fee transmittal; PTO/SB/22 petition for extension under 37 CFR 1.136(a); credit card authorization (PTO-2038) for two months extension of time; copy of Applicant's transmit report ***from Applicant's fax machine;*** and a statement of facts by Petitioner.

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 or Facsimile Transmission (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, at the address of record, establishing that correspondence was mailed for that application (see MPEP 711.03(c)).

Since petitioner's submission lacks a properly used Certificate of Transmission that includes a 37 CFR §1.8(b)(3) statement or a USPTO generated fax receipt, the petition fails to fully comply with the requirements set forth above. Therefore, the evidence submitted is insufficient to show timely response.

The petition is **DISMISSED.**

If petitioner desires further review of this decision, petitioner should file a Request for Reconsideration within two (2) months of the mailing date of this decision. Telephone inquiries should be directed to the undersigned at (571) 272-3595.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security

blj: 3/7/05

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Jack D. Todd
Morris, Manning & Martin LLP
6000 Fairview Road
Suite 1125
Charlotte, NC 28210

MAILED

JAN 26 2006

TECHNOLOGY CENTER 2100

#12

In re Application of: Wheeler, et al.	)	
Application No. 10/248,604	)	DECISION ON PETITION TO
Attorney Docket No. 10399-34425	)	WITHDRAW HOLDING OF
Filed: January 31, 2003	)	ABANDONMENT UNDER 37 CFR
For: ABDS METHOD AND	)	§1.181
VERIFICATION STATUS FOR	)	
AUTHENTICATING ENTITY ACCESS		

This is a decision on the renewed petition, filed May 11 2005, requesting the Withdrawal of the Holding of Abandonment of the above-identified application, under 37 CFR §1.181. The original petition to Withdraw the Holding of Abandonment was filed on October 13, 2004 and dismissed in a decision mailed on March 10, 2005.

The renewed petition is **GRANTED.**

The application was abandoned for failure to file a timely response to the Office action mailed on October 27, 2003. Notice of Abandonment was mailed June 14, 2004.

37 C.F.R. § 1.8(b) states:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission.
>
> If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

In support of the renewed petition, Petitioner has further provided an affidavit of Sheri E. Prine attesting to the timely filing by facsimile transmission of the amendment in accordance with 37 CFR 1.18(b)(3), based upon her personnel knowledge. In addition, and in support thereof,

Petitioner provides facsimile cover sheet, from the sending unit's machine, containing the confirmation report of 19 total pages transmitted successfully on March 5, 2004 in the above-identified application.

Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the technical support staff to **WITHDRAW** the holding of abandonment and to **ENTER** the amendment filed March 5, 2004 (copy provided with October 13, 2004 petition, duplicate copy provided with instant petition). Note, the fee for the two months extension of time ($420) has already been charged on October 21, 2004. The application file will then be forwarded to the examiner for consideration of the response and action on the merits.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
571-272-3595

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Jack D. Todd
Morris, Manning & Martin LLP
1600 Atlanta Financial Center
3343 Peachtree Road NE
Atlanta, GA 30326

MAILED

JAN 26 2006

TECHNOLOGY CENTER 2100

In re Application of: Wheeler, et al. Application No. 10/248,604 Attorney Docket No. 10399-34425 Filed: January 31, 2003 For: ABDS METHOD AND VERIFICATION STATUS FOR AUTHENTICATING ENTITY ACCESS	DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181

This is a decision on the renewed petition, filed May 11, 2005, requesting the Withdrawal of the Holding of Abandonment of the above-identified application, under 37 CFR §1.181. The original petition to Withdraw the Holding of Abandonment was filed on October 13, 2004 and dismissed in a decision mailed on March 10, 2005.

The renewed petition is **GRANTED.**

The application was abandoned for failure to file a timely response to the Office action mailed on October 27, 2003. Notice of Abandonment was mailed June 14, 2004.

37 C.F.R. § 1.8(b) states:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the Patent and Trademark Office, and the application is held to be abandoned or the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission.
>
> If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

In support of the renewed petition, Petitioner has further provided an affidavit of Sheri E. Prine attesting to the timely filing by facsimile transmission of the amendment in accordance with 37 CFR 1.18(b)(3), based upon her personnel knowledge. In addition, and in support thereof,

Petitioner provides facsimile cover sheet, from the sending unit's machine, containing the confirmation report of 19 total pages transmitted successfully on March 5, 2004 in the above-identified application.

Accordingly, the petition is **GRANTED**.

The application file is being forwarded to the technical support staff to **WITHDRAW** the holding of abandonment and to **ENTER** the amendment filed March 5, 2004 (copy provided with October 13, 2004 petition, duplicate copy provided with instant petition). Note, the fee for the two months extension of time ($420) has already been charged on October 21, 2004. The application file will then be forwarded to the examiner for consideration of the response and action on the merits.

Brian L. Johnson
Special Programs Examiner
Technology Center 2100
Computer Architecture, Software, and Information Security
571-272-3595

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OLIFF & BERRIDGE, PLC
P.O BOX 320850
ALEXANDRIA VA 22320-4850

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AUG 17 2009

OFFICE OF PETITIONS

In re Patent No. 7,436,531	:	
Issue Date: October 14, 2008	:	
Application No. 10/248,610	:	ON PETITION
Filed: January 31, 2003	:	
Attorney Docket No. 112465	:	

This is a decision on the petition filed October 28, 2008, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The request is **GRANTED**.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272-3208. Inquiries regarding the issuance of a certificate of correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

The Certificates of Correction Branch will be notified of this decision granting the petition under 37 CFR 3.81(b) and directing issuance of the requested Certificate of Correction.

/KOC/
Karen Creasy
Petitions Examiner
Office of Petitions

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[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

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NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET NW
SUITE 400 EAST
WASHINGTON, DC 20005

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JUN 2 7 2005

OFFICE OF PETITIONS

In re Application of :
Per Nestvall :
Application No. 10/248,615 :
Filed: January 31, 2003 :
Attorney Docket No. 07589.0058.NPUS00 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed April 18, 2005, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely file a proper reply to the non-final Office action mailed June 7, 2004. Accordingly, this application became abandoned on September 8, 2004. A Notice of Abandonment was mailed on December 17, 2004.

The file is being forwarded to Technology Center 2800, for review of the amendment, filed on April 18, 2005, *in due course*.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions/Patent
United States Patent and Trademark Office

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United States Patent and Trademark Office
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JJGJR.: 06-06

Paper No: __

HOWREY LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR., SUITE 200
FALLS CHURCH VA 22042

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JUN 12 2006

OFFICE OF PETITIONS

In re Application of :
Parent, et al. :
Application No. 10/248,648 : ON PETITION
Filed: 4 February, 2003 :
Attorney Docket No. 01014.0003NP :

This is a decision on a petition filed on 16 November and resubmitted on 16 December, 2005, under 37 C.F.R. §1.137(b).

For the reasons set forth below, the petition under 37 C.F.R. §1.137(b) is **GRANTED**.

BACKGROUND

The record indicates:

- Petitioner failed to reply timely and properly to the non-final Office action mailed on 21 April, 2005, with reply due absent extension of time on or before 21 July, 2005;
- the application went abandoned by operation of law after midnight 21 July, 2005;
- the Office mailed the Notice of Abandonment on 17 November, 2005;
- meanwhile, on 16 November, 2005, Petitioner filed the instant petition, fee, reply in the form of an amendment, and made a statement of unintentional delay–thus, Petitioner appears to have satisfied the regulatory requirements under 37 C.F.R. §1.137(b);

- as indicated above, Petitioner refiled the petition on 16 December, 2005.

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]))

---

[1] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

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

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

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

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

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

Allegations as to
Unintentional Delay

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

It appears that Petitioner has satisfied the requirements of the regulation.

CONCLUSION

Because Petitioner appears to have satisfied the regulatory requirements, regulation, the petition under 37 C.F.R. §1.137(b) is **granted**.

The application is released to the Examiner in Technology Center 3600 for further processing in due course.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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OFFICE OF PETITIONS

NOVAK DRUCE & QUIGG LLP
1300 EYE STREET NW
SUITE 1000 WEST TOWER
WASHINGTON, DC 20005

In re Application of	:	
Jeffrey R. Edgerly	:	
Application No. 10/248,649	:	ON PETITION
Filed: February 4, 2003	:	
Attorney Docket No. 07298.0051.CNUS01	:	

This is a decision on the petition under 37 CFR 1.137(b), filed February 21, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed July 16, 2004, 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 October 17, 2004.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

Telephone inquiries concerning this decision should be directed to Irvin Dingle at (571) 272-3210. This matter is being referred to Technology Center AU 3727 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Tracy W. Druce
1000 Louisiana Street
Houston, TX 77002

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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER CO 80202

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MAY 07 2007

OFFICE OF PETITIONS

In re Application of :
John Oakey et al :
Application No. 10/248,653 : ON PETITION
Filed: February 4, 2003 :
Attorney Docket No. 4843-20 :

This is a decision on the petition, filed May 4, 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 March 19, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

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

The examiner of Technology Center AU 1723 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new 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).

DATE 5-7-07

APPLICATION NUMBER 10/248653

DOC CODE IMIS

DOC DATE 5-7-07

DELIVER THE ATTACHED FIFLE/DOCUMENT TO THE TC SCANNING CENTER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN **8** WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN **16** WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

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OFFICE OF PETITIONS

SIMMONS PERRINE MOYER BERGMAN PLC
CITY CENTER SQUARE
1100 - 5th Street Suite 205
CORALVILLE, IA 52241

In re Application of Kenneth A. Franken, et al. Application No. 10/248,674 Filed: February 7, 2003 Attorney Docket No. 03F1623	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed August 27, 2009.

The petition is **GRANTED**.

The application became abandoned for failure to timely pay the issue fee on or before August 4, 2009, as required by the Notice of Allowance and Fee(s) Due, mailed May 4, 2009, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on August 5, 2009. On August 27, 2009 the present petition was filed. A Notice of Abandonment was subsequently mailed on September 8, 2009.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of the $755 issue fee; (2) the petition fee of $810; and (3) an adequate statement of unintentional delay.

The application is being referred to the Office of Data Management 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 as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
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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NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET NW
400 EAST TOWER
WASHINGTON, DC 20005

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MAY 18 2006

OFFICE OF PETITIONS

In re Application of

Stefan Gudmundsson

Application No. 10/248,695

Filed: February 10, 2003

Attorney Docket No. 07589.0087PC

DECISION ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed January 30, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed February 16, 2005, which set a shortened statutory period for reply of three months from its mailing date. No extensions of time were obtained within the allowable period. Accordingly, the application became abandoned on May 17, 2005. A Notice of Abandonment was mailed on January 3, 2006.

The amendment filed January 30, 2006, is noted and made of record.

The application is being forwarded to Technology Center 2600, GAU 2635 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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NOVAK DRUCE AND QUIGG LLP (Volvo)
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

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In re Application of	:	
Stefan Gudmundsson	:	
Application No. 10/248,695	:	DECISION ON PETITION
Filed: February 10, 2003	:	
Attorney Docket No. 7589.087.PCUS00	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 7, 2008, 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 27, 2007, as required by the Notice of Allowance and Fee(s) Due, mailed September 27, 2007. Accordingly, the date of abandonment of this application is December 28, 2007. The Notice of Abandonment was mailed January 29, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,440 and the publication fee of $300, (2) the petition fee of $1,540; and (3) a proper statement of unintentional delay.

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

This application is being referred to the Office of Data Management for processing into a patent.

Chris Bottorff
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

HORIZON IP PTE LTD
No. 8 KALLANG SECTOR, EAST WING
7TH FLOOR
SINGAPORE 349282 **AIR MAIL**

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NOV 03 2005

OFFICE OF PETITIONS

In re Application of
Lam
Application No. 10/248,729
Filed: February 13, 2003
Attorney Docket No. BCONP2002-27

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

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

The petition is **granted**.

This application became abandoned for failure to submit a proper reply to the final Office action mailed November 24, 2004, which set a three-month shortened statutory period to respond. On January 25, 2005, petitioner filed a timely amendment in response to the final Office action. However, on June 2, 2005, the examiner mailed an Advisory action, stating that the amendment did not *prima facie* place the application in condition for allowance.

In the present petition, petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of a request for continued examination and a submission, paid the petition fee, and made the proper statement of unintentional delay.

This matter is being referred to Technology Center Art Unit 3635.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 4

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

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SEP 10 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
Shih et al.	:	
Application No. 10/248,730	:	DECISION ON REQUEST TO
Filed: February 13, 2003	:	WITHDRAW AS ATTORNEY
For: **PENALTY OF CELL RESELECTION**	:	
FOR A WIRELESS DEVICE	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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. 5

MOORE & VAN ALLEN, PLLC
2200 W MAIN STREET
SUITE 800
DURHAM NC 27705

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JUN 1 8 2003

OFFICE OF PETITIONS

In re Application of Abrams, et al. Application No. 10/248,732 Filed: February 13, 2003 Attorney Docket No. 031341.06 For: RADIO FREQUENCY ELECTROMAGNETIC EMISSIONS SHIELD	: : : : : :	DECISION GRANTING PETITION

This is a decision on the petition entitled, "PETITION TO ESTABLISH PRIOR RECEIPT IN THE P.T.O. OF ITEM(S) CONSIDERED AS OMITTED BY THE P.T.O. -- RESPONSE TO "NOTICE OF OMITTED ITEMS," filed May 12, 2003, requesting, in effect, withdrawal of the Notice of Omitted Item(s) in a Nonprovisional Application (Notice), mailed April 2, 2003. The petition will be treated under 37 CFR 1.53(e)

The application was filed on February 13, 2003. On April 2, 2003, the Office of Initial Patent Examination mailed a Notice informing petitioners that Figure 1 described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that Figure 1 be accorded a filing date of February 13, 2003 on the basis that Figure 1 was successfully uploaded to the USPTO as part of an Electronic Patent Application Submission.

A review of the Electronic Filing System Data for this application reveals that Figure 1 was successfully uploaded on February 13, 2003 and is readily accessible on USPTO EFS.

Accordingly, the petition is **GRANTED**.

Pursuant to petitioners' authorization, the $130.00 petition fee will be refunded via a treasury check that will be scheduled shortly.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of February 13, 2003, using the copy of Figure 1 submitted with the instant petition. Office records will be corrected to show that 8 sheets of drawings figures were present on filing.

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

Acknowledgment Receipt

OIPE JC134
MAY 1 2 2003
PATENT & TRADEMARK OFFICE

SUBMISSION TYPE: **Utility Patent Filing**
APPLICATION NUMBER: **10248732**
FIRST NAMED INVENTOR: **Ted Abrams**
TITLE OF INVENTION: **RADIO FREQUENCY ELECTROMAGNETIC EMISSIONS SHIELD**
ATTORNEY DOCKET NUMBER: **031341.06**

FILE LISTING:

transmittal	tran03134106.xml 6577 Bytes
declaration	DeclarationPage1.tif 64545 Bytes
declaration	DeclarationPage2.tif 45589 Bytes
declaration	DeclarationPage3.tif 47394 Bytes
specification	specification.xml 40915 Bytes
specification	u-specif.dtd 106427 Bytes
specification	specif.xsl 29904 Bytes
specification	Figure1.tif 25577 Bytes
specification	Figure2and3.tif 26406 Bytes
specification	Figure4and5.tif 31249 Bytes
specification	Figure6.tif 30507 Bytes
specification	Figure7.tif 22994 Bytes
specification	Figure8.tif 25711 Bytes
specification	Figure9.tif 25874 Bytes
specification	Figure10.tif 21185 Bytes
bibd-transmittal	03134106apds.xml 10954 Bytes
bibd-transmittal	u-bibdat.dtd 35690 Bytes
bibd-transmittal	e-bibdat.xsl 24172 Bytes
fee-transmittal	03134106fee.xml 3479 Bytes
fee-transmittal	u-feetra.dtd 38552 Bytes
fee-transmittal	e-feetra.xsl 15388 Bytes

EFS ID: **23180**
FILE SIZE: **411193 Bytes**
TIMESTAMP: **Thu Feb 13 08:39:00 EST 2003**
MESSAGE DIGEST: **3yzrqtCvx6M1PjRLXCACwA==**
DIGITAL CERTIFICATE HOLDER NAME: **cn=Charles L. Moore, ou=Registered Attorneys**
UPLOAD STATUS: **You have successfully uploaded your submission to USPTO**

1756

OIPE JC139
AUG 1 8 2003
PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shye-Lin Wu
Filing Date: 2003/2/14
App. No.: 10/248,745

Examiner:
Art Unit:
Docket No.: NAUP0510USA0

Title:
PHASE SHIFTING LITHOGRAPHIC PROCESS

RECEIVED
AUG 2 2 2003
TC 1700

To: Assistant Commissioner for Patents
P.O.BOX 1450
Alexandria, VA 22313-1450

Subject: Request for withdrawal as agent

Dear Sir or Madame:

I hereby apply to withdraw as agent for the above identified patent/patent application. The reason for this request is that I am leaving my current office of employment to attend law school.

Although I am requesting to withdraw from the above patent/patent application, Winston Hsu, agent registration No. 41,526, will continue to serve as the primary agent of record for this case. **This request for withdraw *does not affect* the status of Mr. Hsu as the principle agent of record for the above-identified case.** Consequently, the correspondence address is NOT affected by this withdrawal. Furthermore, as Mr. Hsu will continue acting as the agent of record, my withdrawing from this case will not affect the client's ability to obtain timely representation. Mr. Hsu, as my employer, has agreed to my withdrawal and will continue handling all aspects of this case. I therefore believe in good faith that the USPTO should find this request for withdrawal acceptable.

NOV 3 0 2004

Approved JMG
JACQUELINE M. STONE
DIRECTOR
TECHNOLOGY CENTER 1700

Sincerely yours,

Mord Michael Lewis

Date: 7/18/2003

Mord Michael Lewis, Patent Agent No.50,478

UNITED STATES 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. 092004

OCT 26 2004

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:	:	
Jei-Ming Chen et al	:	
Serial No.: 10/248,750	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: February 14, 2003	:	
Attorney Docket No.: **NAUP0519USA0**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself. There is at least thirty (30) days remaining 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.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton LaBalle at (571) 272-1594.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 3

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

SEP 9 2003

In re Application of:	:	
Kuo-Han Hsu	:	
Serial No.: 10/248,751	:	DECISION ON REQUEST TO WITHDRAW
Filed: February 14, 2003	:	FROM RECORD
Attorney Docket No.: **FTCP0016USA**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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AUG 26 2003

TECHNOLOGY CENTER 2100

Paper No. 3

NAIPO (NORTH AMERICA INTERNATIONAL
PATENT OFFICE)
P.O. BOX 506
MERRIFIELD, VA 22116

In re Application of: Hung-Yu LING	)	
Application No. 10/248,769	)	
Filed: February 16, 2003	)	**DECISION ON REQUEST FOR**
For: PIPELINED ARCHITECTURE WITH	)	**WITHDRAWAL AS ATTORNEY**
SEPARATE PRE-FETCH AND	)	
INSTRUCTION FETCH STAGES	)	

This is a decision on the Request To Withdraw from Representation filed August 18, 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 above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 5

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT 23 2003

In re Application of	)	DECISION ON REQUEST TO
Hui-Chu Lin	)	WITHDRAW FROM RECORD
Application No.10/248,770	)	
Filed: February 16, 2003	)	
Attorney Docket No. TOPP0010USA	)	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to Central Files where it awaits examination in its turn.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 5

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

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SEP 10 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
Ho et al.	:	
Application No. 10/248,787	:	DECISION ON REQUEST TO
Filed: February 19, 2003	:	WITHDRAW AS ATTORNEY
For: **IMPROVED CELLULAR ANTENNA ARCHITECTURE**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

UNITED STATES PATENT AND TRADEMARK OFFICE

FEB 3 2004

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

Howrey Simon Arnold & White LLP
1299 Pennsylvania Ave., NW
Box 34
Washington, DC 20004

Paper No. 8

In re Application of	:	
Trent Victor	:	
Serial No. : 10/248,798	:	RESPONSE TO PETITION
Filed : February 19, 2003	:	UNDER 37 CFR 1.59(b)
For : System and Method for Monitoring and Managing Driver Attention Loads	:	

This is a response to the petition under 37 CFR 1.59(b), filed October 29, 2003, to expunge information from the above identified application.

The decision on the petition will be held in abeyance until allowance of the application or mailing of an *Ex parte Quayle* action or a Notice of Abandonment, at which time the petition will be decided.

Petitioner requests that a document entitled "Review of European Human Factors Research on Adaptive Interface Technologies for Automobiles" submitted as part of an Information Disclosure Statement on July 15, 2003, and a document entitled "Review of European Human Factors Research on Adaptive Interface Technologies for Automobiles" submitted as part of an Information Disclosure Statement filed October 20, 2003, be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

The decision on the petition is held in abeyance because prosecution on the merits is not closed. 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 decision on the petition to expunge must be held in abeyance at this time.

During prosecution on the merits, the examiner will determine whether or not the identified document is considered to be "material." If the information is not considered by the examiner to be material, the information will be removed from the official file.

John E. Kittle, Director
Groups 3730 and 3760
Phone: (703) 308-0873

ak/1/30/04

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

HOWREY LLP-EU
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR., SUITE 200
FALLS CHURCH, VA 22042

Mail Date: 04/21/2010

Applicant	: Karel VAN DEN BERG	: DECISION ON REQUEST FOR
Patent Number	: 7640889	: RECALCULATION of PATENT
Issue Date	: 01/05/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/248,799	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 02/19/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **463** 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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Paper No. 4

NAIPO (NORTH AMERICA INTERNATIONAL
PATENT OFFICE)
P.O. BOX 506
MERRIFIELD, VA 22116

JUL - 2 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Shye-Lin Wu
Application No. 10/248811
Filed: February 21, 2003
For: METHOD FOR ABSTRACTING
MULTIPLE MOVING OBJECTS

DECISION ON REQUEST TO
WITHDRAW FROM RECORD

This is a decision on the Request for Withdrawal as Attorney or Agent filed on August 18, 2003.

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

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

The following Attorney(s) are withdrawn from the record: Mord Michael Lewis.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JAN 26 2005

MAILED

JAN 26 2005

OFFICE OF THE DIRECTOR
TC 3600

Smith & Hopen PA
15950 Bay Vista Drive
Suite 220
Clearwater, FL 33760

In re application of
Randolph P. Gibson
Application No. 10/248,840
Filed: February 24, 2003
For: METHOD FOR MAKING SPEED REDUCERS

DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)

This is a decision on the petition submitted on March 5, 2003 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a declaration signed by Randolph P. Gibson indicating that he is at least 65 years of age.

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

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

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

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

RAR/dcg: 1/24/05

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 4

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

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SEP 2 2 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Chen et al. :
Application No. 10/248,851 :
Filed: February 25, 2003 :
For: **MOTION DETECTION METHOD WITH USER-ADJUSTABLE PARAMETERS FOR BETTER DETECTION ACCURACY** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

UNITED STATES PATENT AND TRADEMARK OFFICE

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FEB 21 2006

OFFICE OF PETITIONS

NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET NW
400 EAST TOWER
WASHINGTON, DC 20005

In re Application of	:
Gudmundsson	: DECISION ON PETITION
Application No. 10/248,903	:
Filed: February 28, 2003	:
Docket No.: 07589.0095PC	:

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed January 30, 2006, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned May 8, 2005 for failure to timely reply to the non-final Office action mailed February 7, 2005. The non-final Office action set a three month shortened statutory period of time for reply. No petition for extension of time in accordance with 37 C.F.R. § 1.136 was timely submitted. Notice of Abandonment was mailed October 19, 2005.

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 will be forwarded to Technology Center 2600 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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TECHNOLOGY CENTER 3600

U.S. Army TACOM-ARDEC
Attn: AMSTRA-AR-GCL
Bldg. 3
Picatinny Arsenal, NJ 07806-5000

In re Application of
Daniel Stec III, et al.
Application No. 10/248,904
Filed: February 28,2003
For: METHODS FOR MAKING AND USING HIGH EXPLOSIVE FILLS FOR VERY SMALL VOLUME APPLICATIONS

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on applicants' Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 filed in the United States Patent and Trademark Office on October 12, 2004.

The petition is **DENIED**.

A review of the file record indicates that the application was held abandoned for failure to timely file a proper response to the letter mailed January 13, 2004, which set a one- month shortened statutory period. The application became abandoned on July 13, 2004, and a Notice to that effect was mailed on October 1, 2004.

Petitioner contends that a response was filed on February 13, 2004 by facsimile transmission. In support thereof, petitioner submits a copy of response with a Certificate of Transmission on a separate page, signed by Kathryn Vander Sande, and dated February 13, 2004.

Petitioner's evidence of a timely filing based on a Certificate of Transmission is considered to be insufficient. In this regard, any petition to withdraw the holding of abandonment based upon a Certificate of Transmission by facsimile must include the following requirements:

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

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

The petition fails under requirement (1) above. In this regard, when the certification is presented on a separate sheet, that sheet must fully identify and be securely attached

to the paper it accompanies. The required identification should include the application number and filing date of the application as well as the type of paper being filed (MPEP § 501(I)(C)). The Certificate of Transmission submitted by petitioner does not properly identify the application, by application serial number and filing date.

The petition also fails, under requirement (2), to include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original response by facsimile transmission on the date indicated on the certificate.

Applicants may wish to consider filing a petition to revive under 37 CFR 1.137(a) (unavoidable delay) or 37 CFR 1.137(b) (unintentional delay) as discussed below.

I. Unavoidable Delay

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), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the petition fee required by 37 CFR 1.17(l); and (3) an adequate showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

The showing requirement can be met by submission of statements of fact establishing that the delay in filing the reply was unavoidable. This includes a satisfactory showing that the cause of the delay resulting in failure to reply in a timely fashion to the Office action was unavoidable. Diligence during the time period between abandonment and filing of the petition to revive must also be shown.

As an alternative to filing a petition for unavoidable abandonment, a petition for revival of an application abandoned unintentionally under 37 CFR 1.137(b) might be appropriate.

II. Unintentional Delay

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the petition fee required by 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The petition fee required by law for filing a petition under unavoidable standard is $110. The fee for a petition under the unintentional standard is $1,330. If applicants have, or 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.

If not previously filed, the reply to the outstanding Office action must accompany the petition to revive. The required items should be promptly submitted under a cover letter entitled "Petition to Revive."

Further correspondence with respect to a petition to revive should be addressed as follows:

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

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

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

Telephone inquiries should be directed to the Office of Petitions Staff at (703) 305-9285.

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

KJD/rwg: 12/01/04

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
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ATTN: AMSTRA-AR-GCL
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PICATINNY ARSENAL NJ 07806-5000

COPY MAILED

FEB 0 3 2005

OFFICE OF PETITIONS
ON PETITION

In re Application of :
Daniel Stec et al. :
Application No. 10/248,904 :
Filed: February 28, 2003 :
Attorney Docket No. 2001-014 :

This is a decision on the petition filed December 23, 2004, to revive the above identified application under 37 CFR 1.137(a)[1] or in the alternative under 37 CFR 1.137 (b)[2].

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

This application became abandoned on February 14, 2004, for failure to file a timely response to a Restriction Requirement, mailed January 13, 2004, which set a one (1) month shortened statutory period for reply. No extensions of the time for reply under 37

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[1]A grantable petition 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 a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must be the payment of the issue fee or any outstanding balance thereof.
(2) the petition fee as set forth in 37 CFR 1.17(l);
(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and
(4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c)).

[2]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 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)).

CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed October 1, 2004.

PETITION UNDER 37 CFR 1.137(a)

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 be "unavoidable".[3] Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[4]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[5] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[6]

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[3] 35 U.S.C. § 133.

[4] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[5] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[6] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

Rather than unavoidable delay, the showing of record is that petitioner has not complied with the requirements under 37 CFR 1.8 as it relates to proof of facsimile transmission and thus, petitioner has no proof that the response purportedly filed on February 13, 2004 was timely. Petitioner's lack of diligence in complying with the regulation does not constitute unavoidable delay.

As petitioner has not provided a showing of evidence to satisfy the requirements of a grantable petition under 37 CFR 1.137(a), the petition will be dismissed.

PETITION UNDER 37 CFR 1.137(b)

This petition, as filed in the alternative under 37 CFR 1.137(b), is granted.

As the present petition was filed and decided under both 37 CFR 1.137(a) and (b), counsel's deposit account, No. 19-2201, has been charged in the amount of $500 for the unavoidable petition and $1500 for the unintentional petition

This application file is being forwarded to Technology Center 3641 for further examination in due course.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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SEP 04 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application Serial No.:

10/248,920

ON REQUEST TO
WITHDRAW AS ATTORNEY

The Request to Withdraw as Attorney is **GRANTED**.

The correspondence address is not affected by the withdraw. 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.

KENNETH WIEDER
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2600

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Paper No. 04

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

OCT - 1 2003

In re Application of:
FANG, CHIEN-HSING
Serial No.: 10/248,921
Filed: March 02, 2003
Attorney Docket No.: **WNCP0002USA**

DECISION ON PETITION
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 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself and there is no outstanding office action requiring a response by the applicant.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

All future communications from the Office will continue to be directed to the above 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

SPE T. Black

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 10/248,927

Paper No.: _____

DATE : 6/23/05

TO SPE OF : ART UNIT 3661

SUBJECT : Request for Certificate of Correction on Patent No.: 6898489

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

Please complete this form and return with file, within **7** days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Lamonte M. Newsome

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-305-8309

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

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

Comments:

_____

_____

_____

_____

_____

SPE — **Art Unit** 3661

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

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Paper No. 3

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT 16 2003

In re Application of You-Ming Chiu et al. Application No.10/248,964 Filed: March 6, 2003 Attorney Docket No.VIAP0060USA	)))))	DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to Central Files where it awaits examination in its turn.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
CHIH-HSIANG WU	:	
Application No. 10/248,965	:	DECISION ON REQUEST TO
Filed: March 6, 2003	:	WITHDRAW AS ATTORNEY
For: **METHOD FOR AVOIDING LOSS OF PDCP PDUS IN A WIRELESS COMMUNICATIONS SYSTEM**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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JAN 21 2005

TECHNOLOGY CENTER 3600

In re Application of
Charles H. Robinson, et al.
Application No. 10/248,972
Filed: March 6, 2003
For: MINIATURE MEMS-BASED ELECTRO-MECHANICAL SAFETY AND ARMING DEVICE

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on the petition to withdrawal the holding of abandonment filed on August 11, 2004 in the United States Patent and Trademark Office.

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

☐ Postcard receipt being dated_____.

☒ USPTO return facsimile receipt dated March 15, 2004, which identifies the application by serial number and the type of Response 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/rwg: 1/15/05

STEVEN N. MEYERS
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 3600

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SEP 10 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
SWEE-KOON FAM	:	
Application No. 10/248,987	:	DECISION ON REQUEST TO
Filed: March 7, 2003	:	WITHDRAW AS ATTORNEY
For: **METHOD FOR UPDATING CODE STORED IN A MEMORY OF A PORTABLE DEVICE**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

#3

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TECHNOLOGY CENTER 2100

Paper No. 3

Winston Hsu
NAIPO (NORTH AMERICAN INTERNATIONAL
PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of: Shye-Lin Wu Application No.: 10/248,989 Filed: March 07, 2003 For: METHOD FOR PROVIDING ACTIVE PROTECTION TO PROGRAMMING TOOLS FOR PROGRAMMABLE DEVICES	DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the Request to Withdraw from Representation filed August 21, 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 agnet.

The signer of the petition, Mord Michael Lewis is not appointed as an attorney or agent of record. Therefor he is not authorized to act on behalf of the attorneys or record, nor can he effect a change of address.

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

All future communications from the Office will be directed to the above-listed address until otherwise notified by applicant. This correspondence address is provided by the Power of Attorney dated May 22, 2000.

FM James R. Matthews
Vincent N. Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture and Software
(703) 305-9750

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DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
GAO YAN	:	
Application No. 10/248,991	:	DECISION ON REQUEST TO
Filed: March 7, 2003	:	WITHDRAW AS ATTORNEY
For: **METHOD AND DEVICE FOR DTMF WIRELESS HANDSET BASED TEXT MESSAGING**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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TECHNOLOGY CENTER 2600

In re Application of	:	
Cheng et al.	:	
Application No. 10/248,993	:	DECISION ON REQUEST TO
Filed: March 7, 2003	:	WITHDRAW AS ATTORNEY
For: **ANTENNA EXTENSION CONTROL FOR A MOBILE COMMUNICATIONS DEVICE**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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NOV 2 8 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

ON REQUEST TO
WITHDRAW AS ATTORNEY

In re Application Serial No.:
10/248,994

The Request to Withdraw as Attorney is **GRANTED**.

The correspondence address is not affected by the withdraw. 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.

KENNETH WIEDER
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SMITH & HOPEN PA
15950 BAY VISTA DRIVE
SUITE 220
CLEARWATER FL 33760

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MAR 1 1 2005

OFFICE OF PETITIONS

In re Application of
Panin, et al.
Application No. 10/249,002
Filed: March 7, 2003
Attorney Docket No. 1417.09
For: RECIRCULATING-BALL EPICYCLIC GEAR TRAIN

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed on February 15, 2005 to revive the above-identified application.

The above-identified application became abandoned for failure to properly and timely reply to the August 9, 2004 final Office action which set an extendable three (3) month period for reply. An amendment after final, filed November 9, 2004, failed to place this application in *prima facie* condition for allowance, as was explained in the December 9, 2004 Advisory action. Therefore, this application became abandoned on November 10, 2004. The filing of the instant petition precedes the mailing of A Notice of Abandonment.

Applicants have submitted a RCE and required fee and amendment in reply to the August 9, 2004 final Office action, an acceptable statement of the unintentional nature of the delay in responding to the August 9, 2004 final Office action, and the petition fee.

The petition is **GRANTED**.

After the mailing of this decision the application will be forwarded to Technology Center 3600's technical support staff for processing the RCE and amendment filed on February 15, 2005.

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

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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SEP 0 2 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

ZIOLKOWSKI PATENT SOLUTIONS GROUP, LLC (ITW)
14135 NORTH CEDARBURG ROAD
MEQUON WI 53097

In re Application of:
KNOENER, CRAIG S.
Application No. 10/249,003
Filed: March 7, 2003
For: **AUTOMATIC WIRE FEED CONTROL FOR A WELDING SYSTEM**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed August 4, 2003 under Manual of Patent Examination Procedure §708.02, VIII requesting accelerated examination.

The petition under Manual of Patent Examination Procedure §708.02, VIII, must:
(1) be 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 does not meet requirements (5) and (6) listed above. The petition does not include copies of the references listed in the Information Disclosure Statement (IDS), and an electronic IDS (eIDS) has not been filed. The discussion of the references does not include pointing out how the claimed subject matter is patentable over the references.

Accordingly, the petition is **DENIED**.

Any request for reconsideration must be filed within **TWO MONTHS** of the date of this decision. No further petition fee is required.

The application is being forwarded to the Technology Center's technical support staff for entering the IDS and charging the petition fee of $130.00. From there the file will be forwarded to Central Files and will await action in its regular turn.

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

OIPE JC135
AUG 1 1 2003
PATENT & TRADEMARK OFFICE

1753

Pet. Dec.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shye-Lin Wu
Examiner:
Filing Date: 2003/3/10
Art Unit: 1734
App. No.: 10/249,007
Docket No.: NAUP0315USA0

Title: ELECTRO-CHEMICAL DEPOSITION APPARATUS AND METHOD OF PREVENTING CAVITIES IN AN ECD COPPER FILM

To: Assistant Commissioner for Patents
P.O.BOX 1450
Alexandria, VA 22313-1450

Subject: Request for withdrawal as agent

RECEIVED
AUG 2 1 2003
TC 1700

Dear Sir or Madame:

I hereby apply to withdraw as agent for the above identified patent/patent application. The reason for this request is that I am leaving my current office of employment to attend law school.

Although I am requesting to withdraw from the above patent/patent application, Winston Hsu, agent registration No. 41,526, will continue to serve as the primary agent of record for this case. **This request for withdraw *does not affect* the status of Mr. Hsu as the principle agent of record for the above-identified case.** Consequently, the correspondence address is NOT affected by this withdrawal. Furthermore, as Mr. Hsu will continue acting as the agent of record, my withdrawing from this case will not affect the client's ability to obtain timely representation. Mr. Hsu, as my employer, has agreed to my withdrawal and will continue handling all aspects of this case. I therefore believe in good faith that the USPTO should find this request for withdrawal acceptable.

Approved
Jacqueline M. Stone, Director
Technology Center 1700

JUN 2 9 2004

Sincerely yours,

Mord Michael Lewis

Date: 7/18/2003

Mord Michael Lewis, Patent Agent No.50,478

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

JOEL BAIR
MCGARRY BAIR LLP
171 MONROE AVE. N.W. STE 600
GRAND RAPIDS, MI 49503

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APR 28 2006

OFFICE OF PETITIONS

In re Application of	:	
Terry Russell Parker	:	
Application No. 10/249,016	:	DECISION ON PETITION
Filed: March 10, 2003	:	TO WITHDRAW
Attorney Docket No. 71522-5	:	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 7, 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 October 7, 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: Motorola Inc. / Randy Vaas
6000 North US Highway
Room AN475
Libertyville, IL 60048

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MCGARRY BAIR PC
171 MONROE AVENUE, N.W.
SUITE 600
GRAND RAPIDS MI 49503

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OCT 0 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Parker	:	
Application No. 10/249,016	:	DECISION ON PETITION
Filed: March 10, 2003	:	TO WITHDRAW
Attorney Docket No. 71522-0005	:	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 4, 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 Joel E. Bair on behalf of all attorneys of record who are associated with customer No. 20915.

All attorneys/agents associated with the Customer Number 20915 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.

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).

There is an outstanding Office action mailed September 7, 2005 that requires a reply from the applicant.

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: Terry R. Parker
8 Ash Tree Road
Hugglescote, Leicestershire LE67 2XG
United Kingdom

cc: Motorola Inc. / Randy Vaas
6000 North US Highway
Room AN475
Libertyville, IL 60048

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
10/249,016	03/10/2003	Terry Russell Parker	71522-5

CONFIRMATION NO. 7762

OC000000020632508

OC000000020632508

20915
MCGARRY BAIR PC
171 MONROE AVENUE, N.W.
SUITE 600
GRAND RAPIDS, MI 49503

Date Mailed: 09/28/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 05/04/2006.

- 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.

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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HOWREY LLP-EU
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR., SUITE 200
FALLS CHURCH VA 22042

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SEP 17 2008

OFFICE OF PETITIONS

In re Application of :
Aarts et al. : DECISION ON PETITION
Application No. 10/249,017 :
Filed: March 10, 2003 :
Attorney Docket No. 04132.0007:
.00US00 :

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed September 2, 2008.

The petition under § 1.137(b) is **GRANTED**.

The above-identified application became abandoned effective April 23, 2008 for failure to timely file a proper response to the final rejection mailed January 22, 2008. An amendment was filed on April 22, 2008; however, it was determined not to place the application in condition for allowance (See Advisory Action mailed August 19, 2008). A courtesy Notice of Abandonment was mailed on August 26, 2008.

In response, on September 2, 2008, applicants filed the instant petition. The petition included the required reply in the form of a Notice of Appeal. The appeal fees were previously paid. With respect to this fee, applicants are correct that MPEP 1204.01 applies:

> If an appellant wishes to reinstate an appeal after prosecution is reopened, appellant must file a new notice of appeal in compliance with 37 CFR 41.31 and a complete new appeal brief in compliance with 37 CFR 41.37. Any previously paid appeal fees set forth in 37 CFR 41.20 for

> filing a notice of appeal, filing an appeal brief, and requesting an oral hearing (if applicable) will be applied to the new appeal on the same application as long as a final Board decision has not been made on the prior appeal. If, however, the appeal fees have increased since they were previously paid, then appellant must pay the difference between the current fee(s) and the amount previously paid.

It is noted that as of the filing of this petition, the fee for a Notice of Appeal had increased to $510 since applicant paid $500 in 2007. The $10 increase has been charged to Deposit Account No. 08-3038, as authorized.

The petition also includes the petition fee and a statement of unintentional delay. No terminal disclaimer is required. Petitioner has met the requirements for revival pursuant to 37 CFR 1.137(b).

Petitioner is given two (2) months from the mailing date of this decision to file the appeal brief (accompanied by the fee required by 37 CFR 41.20(b)(2))[1]. The time period for filing the appeal brief may be extended under 37 CFR 1.136.

Technology Center AU 3643 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center for processing of the Notice of Appeal and to await receipt of the Appeal Brief.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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[1] MPEP 1204.01 is also applicable to the appeal brief fee. In this regard, petitioner is advised that, as of the writing of this decision, the fee for an appeal brief is set to increase to $540 for a large entity on October 2, 2008.

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NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

OCT 1 2003

In re Application of:
CHEN, SHEN-WHAN
Serial No.: 10/249,021
Filed: March 11, 2003
Attorney Docket No.: **GTXP0005USA**

DECISION ON PETITION
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 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself and there is no outstanding office action requiring a response by the applicant.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

All future communications from the Office will continue to be directed to the above 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

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P.O. BOX506
MERRIFIELD, VA 22116

MAIL

Paper No. 4

FEB 23 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Chien-Tsun Chen
Application No. 10/249,022
Filed: March 11, 2003
For: METHOD FOR CONTROLLING WIRELESS NETWORK ACCESS THROUGH WIRED NETWORK ACCESS INTERFACE AND ASSOCIATED COMPUTER SYSTEM

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request for withdrawal as agent of record filed on August 18, 2003.

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

Petitioner has satisfied the requirements for successfully requesting withdrawal. Accordingly, *the request is **granted.***

It is noted that Winston Hsu will continue as an attorney of record.

All future correspondence will continue to be addressed to the above-listed address.

Kenneth A. Wieder
Special Program Examiner
Technology Center 2600
Communications

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 4

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AUG 2 9 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

In re Application Serial No.:
10/249,028

ON REQUEST TO
WITHDRAW AS ATTORNEY

The Request to Withdraw as Attorney is **GRANTED**.

The correspondence address is not affected by the withdraw. 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.

KENNETH WIEDER
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2600

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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AUG 26 2003

TECHNOLOGY CENTER 2100

Paper No. 3

NAIPO (NORTH AMERICA INTERNATIONAL
PATENT OFFICE)
P.O. BOX 506
MERRIFIELD, VA 22116

In re Application of: Chung-Hui CHEN	)	
Application No. 10/249,040	)	**DECISION ON REQUEST FOR**
Filed: March 11, 2003	)	**WITHDRAWAL AS ATTORNEY**
For: LOW POWER BRANCH	)	
PREDICTION TARGET BUFFER	)	

This is a decision on the Request To Withdraw from Representation filed August 18, 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 above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the 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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 3
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AUG 1 9 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD, VA 22116

In re Application of
Rex Huan-Yueh Chen
Application No. 10/249,041
Filed: March 12, 2003
For: AUTONOMOUS UPDATING OF A VIRTUAL ACTIVE SET FOR A WIRELESS DEVICE

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request for withdrawal as agent of record filed on August 18, 2003.

A grantable request to withdraw as 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**.

Agent Mord Michael Lewis (50478) listed in the Request to withdraw is withdrawn. Given that Winston Hsu is still recognized as having power of attorney in the application, communications from the Office will continue to be directed to the above listed address of record. 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 action in appropriate turn.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 3

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JAN 3 0 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

Application No. 10/249,042

Filed: 3/12/03

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The Request to Withdraw as Attorney is **DISMISSED AS MOOT**.

The requester, Mr. Michael Mord Lewis, is not of record.

All future correspondence 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 Technology Center 2600 central files to await action by the examiner in due course.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 3

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P.O. BOX 506
MERRIFIELD VA 22116

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SEP 10 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
Lai et al.	:	
Application No. 10/249,058	:	DECISION ON REQUEST TO
Filed: March 13, 2003	:	WITHDRAW AS ATTORNEY
For: **MOBILE PHONE WITH AN**	:	
ENCRYPTION FUNCTION	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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Paper No. 121003

DEC 11 2003

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:	:	
HUNG *et al.*	:	
Serial No.: 10/249,059	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: March 13, 2003	:	
Attorney Docket No.: **LKSP0008USA0**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

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SEP 01 2005

OFFICE OF PETITIONS

In re Application of	:	
HO et al.	:	DECISION
Application No. 10/249,060	:	ON PETITION
Filed: March 13, 2003	:	
Attorney Docket No. 9913-US-PA	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 8, 2005, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit the issue and publication fees in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed April 4, 2005, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on July 5, 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 the issue fee of $1400 and the publication fee of $300; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee and publication fee payments are accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

The application matter is being forwarded to Office of Patent Publication.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

Application No. 10/249,062

Filed: 3/13/03

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The Request to Withdraw as Attorney is **DISMISSED AS MOOT**.

The requester, Mr. Michael Mord Lewis, is not of record.

All future correspondence 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 Technology Center 2600 central files to await action by the examiner in due course.

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

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Paper No. 072804

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P.O. Box 506
Merrifield, VA 22116

AUG 1 1 2004

In re Application of:	:	
WU *et al.*	:	
Serial No.: 10/249,076	:	DECISION ON REQUEST TO WITHDRAW
Filed: March 14, 2003	:	FROM RECORD
Attorney Docket No.: **EMEO0049USA**	:	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Edward Westin at (571) 272-1638.

Henry S. Hau for

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

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Paper No. 3

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SEP 1 1 2003

DIRECTOR OFFICE
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Mord Michael Lewis
NAIPO (NORTH AMERICA
INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:)
Shye-Lin Wu)
Application No. 10/249,078) **DECISION ON REQUEST FOR**
Filed: March 14, 2003) **WITHDRAWAL AS ATTORNEY**
For: METHOD FOR TRANSMITTING)
COPYRIGHTED ELECTRONIC
DOCUMENTS IN A WIRELESS
COMMUNICATION SYSTEM

This is a decision on the Request To Withdraw from Representation filed August 18, 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 August 18, 2003 meets all the requirements. Accordingly the request is **GRANTED**.

All future communications from the Office will be directed to the above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the 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: Winston Hsu

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 4

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In re Application of	:	
HSIANG-JI HSIEH	:	
Application No. 10/249,080	:	DECISION ON REQUEST TO
Filed: March 14, 2003	:	WITHDRAW AS ATTORNEY
For: **METHOD FOR CONTROLLING AN OPTICAL DRIVE TO RECORD DATA**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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In re Application of: Swee-Koon FAM, et al.)
Application No. 10/249,081)
Filed: March 14, 2003)
For: METHOD FOR DETECTING)
FUNCTIONS OF KEYS OF A)
KEYPAD OF AN ELECTRONIC)
DEVICE)

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed August 18, 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 above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the 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

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Mord Michael Lewis
NAIPO (NORTH AMERICA
INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:
Shye-Lin Wu
Application No. 10/249,082
Filed: March 14, 2003
For: METHOD AND DEVICE FOR PROGRAMMING ELECTRONIC DEVICES USING A UNIFORM PARAMETER FORMAT

DECISION ON REQUEST FOR WITHDRAWAL AS ATTORNEY

This is a decision on the Request To Withdraw from Representation filed August 18, 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 August 18, 2003 meets all the requirements. Accordingly the request is **GRANTED**.

All future communications from the Office will be directed to the above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office (Office) of any change in correspondence address to ensure receipt of all communications from the Office.

James R. Matthews
for Vincent N. Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture and Software
(703) 305-9750

cc: Winston Hsu

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NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
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Application No. 10/249,084

Filed: 3/14/03

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The Request to Withdraw as Attorney is **DISMISSED AS MOOT**.

The requester, Mr. Michael Mord Lewis, is not of record.

All future correspondence 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 Technology Center 2600 central files to await action by the examiner in due course.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND
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Paper No. 5

Malin Haley and DiMaggio, PA
1936 S Andrews Avenue
Fort Lauderdale, FL 33316

In re application of
Stephen F. McCauley
Application No. 10/249,085
Filed: March 14, 2003
For: INTERNET-BASED SCHEDULING METHOD AND SYSTEM FOR SERVICE PROVIDERS AND USERS

DECISION ON PETITION TO MAKE SPECIAL (ACCELERATED EXAMINATION)

This is in response to the petition filed on April 15, 2003 and the renewed petition filed on June 16, 2003 to make the above-identified application special on the basis of special examining procedure for certain new applications - accelerated examination as set forth in MPEP § 708.02 VIII.

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); (B) all claims being directed to a single invention, or an election without traverse if the Office determines that all the claims are not directed to a single invention; (C) a statement that a pre-examination search was made listing the field of search; (D) 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; and (E) a detailed discussion of how the claimed subject matter is patentable over the references.

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

It is noted that the petition filed April 15, 2003 is deficient as per condition (C) since a statement was not submitted listing the field of search. The renewed petition filed June 16, 2003 remedies this deficiency by stating that all classes and subclasses were searched in the listed database and using search terminologies as listed.

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) 308-0868
(703) 605-0586

SNM/dxn: 6/16/03

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Paper No. 3

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

In re Application Serial No.:

10/249,123

ON REQUEST TO
WITHDRAW AS ATTORNEY

The Request to Withdraw as Attorney is **GRANTED**.

The correspondence address is not affected by the withdraw. 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.

KENNETH WIEDER
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2600

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NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
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In re Application of	:	
Chang et al.	:	
Application No. 10/249,124	:	DECISION ON REQUEST TO
Filed: March 18, 2003	:	WITHDRAW AS ATTORNEY
For: **MOBILE SERVER FOR INTERNETWORKING WPAN, WLAN, AND WWAN**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

#3

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Paper No. 3

NAIPO (NORTH AMERICA INTERNATIONAL
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In re Application of: Hsiung-Chih YANG	)	
Application No. 10/249,125	)	**DECISION ON REQUEST FOR**
Filed: March 18, 2003	)	**WITHDRAWAL AS ATTORNEY**
For: POWER MANAGEMENT FOR A	)	
PDA SYSTEM	)	

This is a decision on the Request To Withdraw from Representation filed August 18, 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 above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the 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

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In re Application of :
Lai et al. :
Application No. 10/249,127 :
Filed: March 18, 2003 :
For: **METHOD FOR AUTOMATICALLY COMPLETING SETTINGS OF NETWORK PARAMETERS IN WIRELESS TERMINALS** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

#3
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JAN 30 2004

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In re application of
Shin-Tong Wu
Application No. 10/249,146 :
Filed: March 19, 2003 :
For: FLUID TRANSPORT SYSTEM WITH VIBRATORS :

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on August 18, 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 **APPROVED**.

The request by Mord Michael Lewis to withdraw as attorney of record for the reasons stated in the request has been accepted in the above-identified application. Attorney Winston Hsu still has power of attorney in this application.

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

RAR/cps: 1/14/04

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In re Application of :
Tai et al. :
Application No. 10/249,148 :
Filed: March 19, 2003 :
For: **AN AUTOMATIC INTELLIGENT YIELD IMPROVING AND PROCESS PARAMETER MULTIVARIATE SYSTEM AND THE ANAYSIS METHOD THEREOF** :

DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The Request to Withdraw as Attorney is **DISMISSED AS MOOT**.

Attorney requesting withdraw is not of record.

Further communications will 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.

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

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Paper No. 121003

DEC 11 2003

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:	:	
CHEN *et al.*	:	
Serial No.: 10/249,149	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: March 19, 2003	:	
Attorney Docket No.: **NAUP0502USA0**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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TECHNOLOGY CENTER 2600

In re Application of	:	
Hsu et al.	:	
Application No. 10/249,151	:	DECISION ON REQUEST TO
Filed: March 19, 2003	:	WITHDRAW AS ATTORNEY
For: **SIGNAL PROCESSING METHOD FOR A WALKIE-TALKIE DEVICE**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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Paper No. 4

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
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SEP 9 2003

In re Application of:	:	
Yin_Chang Chen	:	
Serial No.: 10/249,152	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: March 19, 2003	:	
Attorney Docket No.: **AMIP0018USA**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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. 4

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

OCT 11 2003

In re Application of:
CHANG *et al.*
Serial No.: 10/249,153
Filed: April 24, 2002
Attorney Docket No.: **WISP0018USA0**

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 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself. There is no outstanding Office action at this time.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No.

FITCH EVEN TABIN AND FLANNERY
120 SOUTH LA SALLE STREET
SUITE 1600
CHICAGO IL 60603-3406

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OCT 3 0 2006
OFFICE OF PETITIONS

In re Application of :
Jobson et al. :
Application No. 10/249,162 : DECISION ON
Filed: March 19, 2003 : PETITION
Attorney Docket No. 00173.0028:
.PCUS00 :

This is a decision on the PETITION TO WITHDRAW HOLDING OF ABANDONMENT BASED ON FAILURE TO RECEIVE NOTICE OF ALLOWANCE filed August 21, 2006.

The above-identified application became abandoned for failure to timely pay the issue fee and publication fee within the three-month statutory period set in the Notice of Allowance and Fee(s) Due mailed March 6, 2006. No reply having been received, the above-identified application became abandoned on June 7, 2006. A courtesy Notice of Abandonment was mailed on July 13, 2006.

Petitioner requests withdrawal of the holding of abandonment on the basis that the Notice was never received.

There is a strong presumption that the correspondence was properly mailed to the applicant at the correspondence address of record. In the absence of demonstrated irregularities in mailing of this Notice, petitioner must submit evidence to overcome this presumption. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. In addition, a copy

of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement.

There is no demonstrated irregularity in the mailing of the notice of allowance. Nonetheless, petitioner has supported his claim of non-receipt with the required showing.

In view thereof, the notice of abandonment mailed July 13, 2006 is hereby **VACATED**, and the holding of abandonment is hereby **WITHDRAWN**.

The petition under § 1.181 is **GRANTED**.

No fee is required on petition under § 1.181.

Technology Center AU 1745 has been advised of this decision. The application file is, thereby, forwarded to the Technology Center's technical support staff to withdraw the holding of abandonment and thereafter, to forward the application to the Publishing Division for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

OIPE JC139
AUG 1 8 2003
PATENT & TRADEMARK OFFICE

1756

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Shye-Lin Wu

Filing Date: 2003/3/20

App. No.: 10/249,176

Examiner:

Art Unit:

Docket No.: QDIP0004USA0

Title: METHOD OF FORMING A THIN FILM TRANSISTOR LIQUID CRYSTAL DISPLAY

To: Assistant Commissioner for Patents
P.O.BOX 1450
Alexandria, VA 22313-1450

RECEIVED
AUG 2 1 2003
TC 1700

Subject: Request for withdrawal as agent

Dear Sir or Madame:

I hereby apply to withdraw as agent for the above identified patent/patent application. The reason for this request is that I am leaving my current office of employment to attend law school.

Although I am requesting to withdraw from the above patent/patent application, Winston Hsu, agent registration No. 41,526, will continue to serve as the primary agent of record for this case. **This request for withdraw *does not affect* the status of Mr. Hsu as the principle agent of record for the above-identified case.** Consequently, the correspondence address is **NOT** affected by this withdrawal. Furthermore, as Mr. Hsu will continue acting as the agent of record, my withdrawing from this case will not affect the client's ability to obtain timely representation. Mr. Hsu, as my employer, has agreed to my withdrawal and will continue handling all aspects of this case. I therefore believe in good faith that the USPTO should find this request for withdrawal acceptable.

Sincerely yours,

Mord Michael Lewis, Patent Agent No.50,478

Approved
Jacqueline A. Stone, Director
Technology Center 1700

Date: 7/18/2003

NOV 3 0 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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WASHINGTON, DC 20231
www.uspto.gov

Paper No. 3

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

MAIL

SEP 11 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
CHIH-HSIANG WU :
Application No. 10/249,177 :
Filed: March 20, 2003 :
For: **METHOD FOR DETERMINING TRIGGERING OF A PDCP SEQUENCE NUMBER SYNCHRONIZATION PROCEDURE** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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AUG 26 2003

TECHNOLOGY CENTER 2100

Paper No. 4

NAIPO (NORTH AMERICA INTERNATIONAL
PATENT OFFICE)
P.O. BOX 506
MERRIFIELD, VA 22116

In re Application of: Wei-Jer WU, et al.	)	
Application No. 10/249,178	)	
Filed: March 20, 2003	)	**DECISION ON REQUEST FOR**
For: METHOD AND RELATED	)	**WITHDRAWAL AS ATTORNEY**
COMPUTER FOR PROCESSING	)	
SUSPEND TO RAM DURING	)	
POWER FAILURE	)	

This is a decision on the Request To Withdraw from Representation filed August 18, 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 above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the 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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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SCHLUMBERGER OILFIELD SERVICES
200 GILLINGHAM LANE
MD 200-9
SUGAR LAND TX 77478

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OFFICE OF PETITIONS

In re Application of :
Geoff Downton :
Application No. 10/249,200 : ON PETITION
Filed: March 21, 2003 :
Attorney Docket No. 92.1001 :

This is a decision on the petition, filed July 26, 2006 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED**.

A non-Final Office Action was mailed November 29, 2005. A response was due not later than March 1, 2006. A response in the form of an amendment was filed May 22, 2006 with an authorization to charge extension of time fees.[1] However, on May 24, 2006 the applicant was advised that the amendment filed was non-compliant under 37 CFR 1.121. The time for response was one month from the mailing of the May 24, 2006 Notice. No response having been filed, this application became abandoned June 25 2006 and accordingly, a Notice of Abandonment was mailed July 5, 2006.

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

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

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

(3) a statement that the entire delay in filing the required reply from the due date

[1]The three month extension of time fees were not charged with the response filed May 22, 2006 but have been charged to deposit account no.50-2898, pursuant to this decision and the authorization given with the May 22, 2006 response.

for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

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

A supplemental amendment is submitted with the petition to revive.

This matter is being referred to Technology Center 2856 for processing of the amendment filed July 26, 2006.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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JJGJr: 08-06

Paper No: __

ZIOLKOWSKI PATENT
SOLUTIONS GROUP, SC (EATON)
14135 NORTH CEDARBURG ROAD
MEQUON WI 53097

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SEP 1 1 2006
OFFICE OF PETITIONS

In re Application of	:	
Zhou, et al.	:	
Application No. 10/249,206	:	DECISION
Filed: 21 March, 2003	:	
Attorney Docket No.: ETC7455.054	:	

This is a decision on the petition, filed 27 June, 2006, to revive the instant nonprovisional application under the provisions of 37 C.F.R. §1.137(f).

NOTES:

The filing of status inquiries at a minimum of three- (3-) month intervals may provide a showing of diligence should the extended delay be questioned (for example, as required under 37 C.F.R. §1.181).

Monitoring of the status of applications on Private PAIR can inform one's management of application responses and provide an indication when mailings of Office actions should be expected.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in a foreign country or otherwise requiring publication on 16 March, 2004. Moreover, Petitioner submitted the instant petition (with recision request) 27 June, 2006, upon learning of the error.

Thus, Petitioner alleges unintentional failure to notify the U.S. Patent and Trademark Office of this filing of the subject application in a foreign country within 45 days of that filing.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §122(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 in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 C.F.R. §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 C.F.R. §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 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) has been rescinded. A Notice Regarding Rescission of Nonpublication Request, which sets forth the projected publication date of ***7 December, 2006***, accompanies this decision.

This application is being released to Technology Center 2800 for further processing in due course.

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[1]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

[1] 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

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/249,206	03/21/2003	Xin Zhou	ETC7455.054

CONFIRMATION NO. 7496

27060
ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (EATON)
14135 NORTH CEDARBURG ROAD
MEQUON, WI 53097

Date Mailed: 08/28/2006

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/07/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

UNITED STATES PATENT AND TRADEMARK OFFICE

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OFFICE OF PETITIONS

ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (EATON)
14135 NORTH CEDARBURG ROAD
MEQUON WI 53097

In re Patent No. 7057311	:	
Issue Date: June 6, 2006	:	
Application No. 10/249,207	:	DECISION GRANTING PETITION
Filed: March 21, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. ETC2455.052	:	

This is a decision on the petition, filed June 27, 2006, which is being treated as a petition under 37 CFR 1.137(b) to accept an unintentionally delayed notification to 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 under 37 CFR 1.137(b) is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an application filed in an eighteen-month publication country on March 16, 2004 . 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. 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 USPTO of the filing of a counterpart 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 USPTO 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.

This application matured into Patent No. 7,057, 311 on June 6, 2006 . Therefore, no further action being required, this patented file is being forwarded to Files Repository.

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 5/17/07

TO SPE OF : ART UNIT 3768

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/849208 Patent No: 7171254 B2

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

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

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

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: Applicant did not submit Certificate of filing with the proper papers. See MPEP 1481.02. Applicants is missing at least statements from other inventors of agreeance & statement from the asignee, oath with all named inventors on a sheet signed.

SPE — 3768 Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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NOV 26 2003

Paper No. 111203

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

In re Application of	)	
Hung-En Tai et al.	)	DECISION ON PETITION
Application No. 10/249,213	)	
Filed: March 24, 2003	)	
Attorney Docket No.LKSP0007USA	)	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to the examiner for examination.

José G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 4

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT - 8 2003

In re Application of	)	
Ching-Hsiang Hsu et al.	)	DECISION ON PETITION
Application No.10/249,215	)	
Filed: March 24, 2003	)	
Attorney Docket No. EMEP0020USA	)	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to the examiner for examination.

Jose' G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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JAN 3 0 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

Application No. 10/249,221

Filed: 3/24/03

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The Request to Withdraw as Attorney is **DISMISSED AS MOOT**.

The requester, Mr. Michael Mord Lewis, is not of record.

All future correspondence 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 Technology Center 2600 central files to await action by the examiner in due course.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JAN 20 2006

OFFICE OF PETITIONS

In re Application of
Hsueh-Kun Liao et al. :
Application No. 10/249,221 : ON PETITION
Filed: March 24, 2003 :
Attorney Docket No: MTKP0022USA :

This is a decision on the petition filed December 13, 2005, 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 March 1, 2005, for failure to file a timely response to the non-Final Office Action mailed December 28, 2004, which set a two (2) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed November 2, 2005. Petitioner asserts that the non-Final Office Action was never received.

The file record discloses that the Office Action 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 Action mailed December 28, 2004 would have been filed, had it been received, to show that the Notice was not received.

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 non-Final Office Action mailed December 28, 2004, it is apparent that it was not received. The evidence submitted corroborates non-receipt of the Office Action.

In view of the facts set forth in the petition, it is concluded that the Office Action 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 2652 for a re-mailing of the non-Final Office Action 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
www.uspto.gov

HOWREY SIMON ARNOLD & WHITE LLP
C/O IP DOCKETING DEPARTMENT
2941 FAIRVIEW PARK DR. SUITE 200
FALLS CHURCH, VA 22042-2924

COPY MAILED

MAR 16 2005

OFFICE OF PETITIONS

In re Application of	:	
Olle Straat et al	:	
Application No. 10/249,247	:	ON PETITION
Filed: March 26, 2003	:	
Attorney Docket No. 03485.0006.NPUS00	:	

This is a decision on the petition under 37 CFR 1.137(b), filed December 21, 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 nonfinal Office action mailed April 20, 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 July 21, 2004.

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

This matter is being referred to Technology Center AU 3721.

Karen Creasy

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

cc:
HOWREY SIMON ARNOLD & WHITE
BOX NO. 34
1299 PENNSYLVANIA AVENUE, N.W.
WASHINGTON DC 20004-2402

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET NW
SUITE 400 EAST
WASHINGTON, DC 20005

COPY MAILED

JUN 0 2 2005

OFFICE OF PETITIONS

ON PETITION

In re Application of	:
Johan Hulten et al	:
Application No. 10/249,254	:
Filed: March 26, 2003	:
Attorney Docket No. 07589.0100.PCUS00	:

This is a decision on the petition under 37 CFR 1.137(b), filed April 22, 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 August 11, 2004, which set a shortened statutory period for reply of three (3) months. No extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on November 12, 2004.

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

This matter is being referred to Technology Center AU 3683 for further processing.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVAK DRUCE AND QUIGG LLP (Volvo)
1000 LOUISIANA STREET
FIFTY-THIRD FLOOR
HOUSTON TX 77002

COPY MAILED

JAN 0 4 2008

OFFICE OF PETITIONS

In re Application of
Johan Hulten et al.
Application No. 10/249,254
Filed: March 26, 2003
Attorney Docket No.: **7589.100.PCUS00**

ON PETITION

This is a decision on the petition filed October 3, 2007 under 37 CFR 1.137(b), [1] 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 June 7, 2006. 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 September 8, 2006. Accordingly, a Notice of Abandonment was mailed January 9, 2007.

In view of the above, this matter is being referred to Technology Center 3683 for treatment of the amendment filed October 3, 2007 and to resend the Notice mailed December 17, 2007, if appropriate.

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

---

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

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

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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JAN 13 2006

STEPHEN CHRISTOPHER SWIFT
SWIFT LAW OFFICE
SUITE 600
1800 DIAGONAL ROAD
ALEXANDRIA, VA 22314-2840

In re application of	:	**DECISION ON PETITION**
Philip J. Milanovich	:	**TO MAKE SPECIAL**
Application No. 10/249,270	:	**(APPLICANT'S AGE)**
Filed: March 27, 2003	:	
For: METHOD AND SYSTEM FOR PROVIDING	:	
INSURANCE TO CONSUMERS AGAINST	:	
UNFAVORABLE OUTCOMES RESULTING	:	
FROM SERVICES, ETC/	:	

This is a decision on the petition submitted on December 16, 2005 under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age.

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a copy of Mr. Milanovich's birth certificate indicating that he is at least 65 years of age.

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

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

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

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(571) 272-6611

SNM/dew: 12/21//05

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Paper No. 4

BLACKWELL SANDERS PEPER MARTIN LLP
720 OLIVE STREET
SUITE 2400
ST. LOUIS, MO 63101

COPY MAILED
AUG 1 2 2004
OFFICE OF PETITIONS

In re Application of :
Benson, et al. :
Application No. 10/249,275 : ON PETITION
Filed: March 27, 2003 :
Attorney Docket No. 717119.434 :

This is a decision on the petition under 37 CFR 1.182, filed August 6, 2004, to change the order of the names of the inventors.

The petition is granted.

The order of the names of the inventors has been changed as follows:

1. SHAUGHN MICHAEL BENSON

2. JOHN E. JOHNSON

This application is being forwarded to Technology Center 3600 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
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ALEXANDRIA, VA 22313-1450
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Paper No. 5

MAY 4 2004

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

In re Application of:
Liang-Hua Lin et al.
Serial No.: 10/249,283
Filed: March 27, 2003
Attorney Docket No.: ACMP0026USA

DECISION ON REQUEST
TO WITHDRAW FROM RECORD

This is a decision on the request filed by Mord Michael Lewis to withdraw as agent of record pursuant to 37 C.F.R. § 1.36 filed on August 18, 2003. The request was for Mr. Lewis alone.

The request is **DISMISSED** as moot since Mr. Lewis is not of record as an attorney or agent in this application.

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

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

Edward Westin

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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Paper No. 4

MAIL

JAN 3 0 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

Application No. 10/249,288

Filed: 3/28/03

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The Request to Withdraw as Attorney is **DISMISSED AS MOOT**.

The requester, Mr. Michael Mord Lewis, is not of record.

All future correspondence 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 Technology Center 2600 central files to await action by the examiner in due course.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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IBM MICROELECTRONICS
INTELLECTUAL PROPERTY LAW
1000 RIVER STREET
972 E
ESSEX JUNCTION VT 05452

OCT - 6 2008

In re Application of	:	
ELLIS, WAYNE F. et al.	:	
Application No.: 10/249,331	:	DECISION ON
Filing or 371(c) Date: 04/01/2003	:	PETITION
Attorney Docket Number: BUR920030017	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed May 4, 2006.

This is **DISMISSED**.

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

The above-identified application became abandoned for failure to timely and properly reply to the Notice of Allowability, mailed November 08, 2005. The Notice set a non-extendable three (3) month period for reply. No reply having been received, the application became abandoned on March 28, 2006.

The Notice of Allowability

A review of the Notice of Allowability reveals that the Notice clearly required drawings. The Notice states: "CORRECTED DRAWINGS must be submitted."

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 matter should be directed to the undersigned at (703) 308-9250 ext. 175.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

IBM MICROELECTRONICS
INTELLECTUAL PROPERTY LAW
1000 RIVER STREET
972 E
ESSEX JUNCTION VT 05452

In re Application of	:	DEC - 8 2008
ELLIS, WAYNE F. et al.	:	
Application No.: 10/249,331	:	DECISION ON
Filing or 371(c) Date: 04/01/2003	:	PETITION
Attorney Docket Number: BUR920030017	:	

This is a decision in response to the "Petition to Withdraw Holding of Abandonment," filed November 11, 2008.

This is **GRANTED**.

The application was held abandoned for failure to timely file formal drawings as required in the Notice of Allowability, mailed May 22, 2003.
Petitioner has submitted six (6) sheets of formal drawings, and the cover sheet, which acknowledges receipt of the afore-mentioned items on February 8, 2006, as evidenced by the "Office Date" stamp receipt thereon. The formal drawings, acknowledged as having been received on February 8, 2006, are not of record in the application file and cannot be located. However, MPEP 503 states the following:

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 items listed thereon on the date stamped thereon by the PTO.

In view of the foregoing, the holding of abandonment is hereby withdrawn.

Telephone inquiries concerning this matter should be directed to the undersigned at (703) 308-9250 ext. 175.

Kay D. Pinkney
Application Assistance Unit
Office of Data Management

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SAL ABRAHAM
10901 TAMORON LANE
BOCA RATON FL 33498

COPY MAILED
JAN 19 2010

In re Patent No. 6,838,562	:	
Issue Date: 01/04/2005	:	
Application No. 10/249,338	:	ON PETITION
Filed: 04/01/2003	:	
Title: PROCESS FOR PREPARING A	:	
CREATINE HETEROCYCLIC ACID SALT	:	
AND METHOD OF USE.	:	

This is a decision on the petition under 37 CFR 1.378(c), filed July 7, 2009, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired January 5, 2009, for failure to pay the 4.5-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).

It is not apparent whether the patent practitioner, signing the statement of unintentional delay, was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

Furthermore, there is no indication that the petitioners granted a power of attorney to the patent practitioner. Moreover, the file does not indicate a change of correspondence address has been submitted in this case, although the address given on the petition differs from the address of record. If the practitioner desires to receive future correspondence regarding this patent, the appropriate power of attorney documentation and a change of correspondence address

must be submitted. As a one-time courtesy, the Office is mailing a copy of this decision to the address listed on the present petition.

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) 272-3211.

The patent file is being forwarded to Files Repository.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: Janine A. Moderson
444 North Orleans Street, Suite 400
Chicago, IL 60654

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SAL ABRAHAM
10901 TAMORON LANE
BOCA RATON FL 33498

COPY MAILED
JAN 19 2010

In re Patent No. 6,838,562	:	
Issue Date: 01/04/2005	:	
Application No. 10/249,338	:	ON PETITION
Filed: 04/01/2003	:	
Title: PROCESS FOR PREPARING A	:	
CREATINE HETEROCYCLIC ACID SALT	:	
AND METHOD OF USE.	:	

This is a decision on the petition under 37 CFR 1.378(c), filed July 7, 2009, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired January 5, 2009, for failure to pay the 4.5-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).

It is not apparent whether the patent practitioner, signing the statement of unintentional delay, was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

Furthermore, there is no indication that the petitioners granted a power of attorney to the patent practitioner. Moreover, the file does not indicate a change of correspondence address has been submitted in this case, although the address given on the petition differs from the address of record. If the practitioner desires to receive future correspondence regarding this patent, the appropriate power of attorney documentation and a change of correspondence address

must be submitted. As a one-time courtesy, the Office is mailing a copy of this decision to the address listed on the present petition.

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) 272-3211.

The patent file is being forwarded to Files Repository.

C. T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Cc: Janine A. Moderson
444 North Orleans Street, Suite 400
Chicago, IL 60654

UNITED STATES PATENT AND TRADEMARK OFFICE

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LOCKE LIDDELL & SAP LLP
ATTN. DOCKETING
600 TRAVIS #3400
HOUSTON, TX 77002

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SEP 12 2006
OFFICE OF PETITIONS

In re Application of :
Mark J. Tomasiak et al. :
Application No. 10/249,348 : ON PETITION
Filed: April 2, 2003 :
Attorney Docket No.: 10872.0347.NPUS00 :

This is a decision on the petition filed April 17, 2006 under 37 CFR 1.137(b),[1] 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 June 18, 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 September 21, 2004. Accordingly, a Notice of Abandonment was mailed December 30, 2004.

This matter is being referred to Technology Center 1744 for appropriate action on the amendment filed April 17, 2006.

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

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. The Commissioner may required additional information where there is a question whether the delay was unintentional; and

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

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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Paper 6

JOSEPH M. SCANDURA, PH.D.
1249 GREENTREE LA.
NARBERTH PA 19072

COPY MAILED

APR 2 8 2004

OFFICE OF PETITIONS

ON PETITION

In re Application of
Joseph M. Scandura
Application No. 10/249,355
Filed: April 2, 2003
Title of Invention: Method For Buildng Highly Adaptive Instruction Based On The Structure As Opposed To The Semantics Of Knowledge Representations

This is a decision on the petition 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 June 17, 2003, for failure to file a timely response to the Notice to File Corrected Application Papers mailed April 16, 2003, which set a two (2) month statutory period for reply. Accordingly, a Notice of Abandonment was mailed February 3, 2004. Petitioner asserts that the Notice to File Corrected Application Papers was never received.

The file record discloses that the Notice to File Corrected Application Papers 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 file folder for this specific application, which is used for docketing purposes, wherein receipt of the Notice to File Corrected Application Papers mailed April 16, 2003 would have been filed, had it been received. Petitioner also documents the procedures used for handling of USPTO correspondence in an effort to show that the Notice mailed April 16, 2003 was not received.

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 Notice to File Corrected Application Papers mailed April 16, 2003, it is apparent that the Notice was not received. The evidence submitted corroborates non-receipt of the Notice.

In view of the facts set forth in the petition, it is concluded that the Notice to File

Corrected Application Papers was never received at the address of record. Accordingly, the holding of abandonment is withdrawn and no petition fee is due.

This application is being forwarded to the Office of Initial Patent Examination for a remailing of the Notice to File Corrected Application Papers .

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

JOSEPH M. SCANDURA, PH.D.
1249 GREENTREE LA.
NARBERTH PA 19072

COPY MAILED
DEC 15 2008

In re Application of
Joseph Scandura
Application No. 10/249,355
Filed: April 2, 2003
Title: Method For Building Highly Adaptive Instruction Based On The Structure As Opposed to the Semantics of Knowledge Representation

DECISION ON PETITION

This is a decision on the petition, filed October 7, 2008, which is being treated as a petition under 37 CFR 1.181 (no fee) requesting withdrawal of the holding of abandonment in the above-identified application.[1]

The petition is **GRANTED**.

A non-final Office action was mailed on May 31, 2007 providing applicant with a three month shortened statutory period for reply. An amendment and drawings were submitted on August 6, 2007 in response to the May 31, 2007 Office action. A Notice of Fee Deficiency was mailed on August 14, 2007, providing applicant with an extendable one (1) month period for reply. A Notice of Abandonment was mailed on April 18, 2008.

A review of the record shows that applicant timely responded to the August 14, 2007 Notice of Fee Deficiency with the submission of $180.00 on August 27, 2007.

Accordingly, the holding of abandonment for failure to timely file a reply to the Notice of August 14, 2007 is hereby withdrawn and the application restored to pending status.

This application is being referred to Technology Center AU 3714 for appropriate action in the normal course of business on the reply received with petition.

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

Charlema Grant
Petitions Attorney
Office of Petitions

[1] It is noted that petitioner states that he filed this petition on the same day that he discovered the application was abandoned via a phone call with the examiner.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: 20070226

DATE : February 10, 2007

TO SPE OF : ART UNIT 2186

10/249359

SUBJECT : Request for Certificate of Correction on Patent No.: 7093099 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.

Thank You For Your Assistance

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

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

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

Comments:

MATTHEW KIM
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

2186
Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

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GREENBERG & LIEBERMAN, LLC
2141 WISCONSIN AVE, N.W.
SUITE C-2
WASHINGTON DC 20007

COPY MAILED

NOV 15 2007

OFFICE OF PETITIONS

In re Application of	:	
Fritz J. Oertel	:	
Application No. 10/249,360	:	DECISION ON PETITION
Filed: April 2, 2003	:	
Attorney Docket No. oertelutil	:	

This is a decision on the petition under 37 CFR 1.137(b), filed April 13, 2007, to revive the above-identified application.

The petition is **GRANTED.**

The application became abandoned for failure to reply in a timely manner to the non-final Office action mailed, April 14, 2005, 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 July 15, 2005. A Notice of Abandonment was mailed on November 16, 2005.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the required reply in the form of an amendment, (2) the petition fee of $750, and (3) a proper statement of unintentional delay. Accordingly, the failure to timely reply to the non-final Office action of April 14, 2005 is accepted as being 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). Since the $510 extension of time fee submitted with the petition on April 13, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account in due course.

This application is being referred to Technology Center AU 3727 for appropriate action in the normal course of business on the reply received April 13, 2007.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 4

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SEP 0 8 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

In re Application Serial No.:

10/249,365

ON REQUEST TO
WITHDRAW AS ATTORNEY

The Request to Withdraw as Attorney is **GRANTED**.

The correspondence address is not affected by the withdraw. 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.

KENNETH WIEDER
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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102003

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT 16 2003

In re Application of	)	DECISION ON REQUEST TO
Ching-Hsiang Hsu et al.	)	WITHDRAW FROM RECORD
Application No.10/249,366	)	
Filed: April 3, 2003	)	
Attorney Docket No. EMEP0046USA	)	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to Central Files where it awaits examination in its turn.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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WASHINGTON, DC 20231
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Paper No. 3
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SEP - 8 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

In re Application of :
LIN, HSIEN-CHUNG :
Application No. 10/249,376 :
Filed: April 3, 2003 :
For: **METHOD FOR INSERTING SYMBOLS IN TEXT MESSAGES USING A CELLULAR PHONE** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioner(s) of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 110204

NOV 2 2004

White & Fudala
57 Bedford St.
Suite 103
Lexington, MA 02420

In re Application of:
Reitano
Serial No.: 10/249,388
Filed: April 3, 2003
Attorney Docket No.: CAR-004

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(c), filed March 1, 2004, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.) § 708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. § 1.102, and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty five (65) years of age or more. No fee is required for this petition.

The petition includes an birth registration card from the inventor, Carmelo (Carmen) Reitano, showing that he is sixty-five (65) years of age or more.

Accordingly, the petition is GRANTED.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Lissi Marquis at (571) 272-1596.

Lissi Marquis, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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BERKELEY LAW & TECHNOLOGY GROUP
1700 NW 167TH PLACE, SUITE 240
BEAVERTON, OR 97006

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OCT 0 4 2006

OFFICE OF PETITIONS

In re Application of	:	
Ben Min-Jer Lin et al	:	
Application No. 10/249,402	:	DECISION GRANTING PETITION
Filed: April 7, 2003	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 112.P14102	:	

This is a decision on the petition, filed September 25, 2006, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 20, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2878 for processing of the request for continued examination under 37 CFR 1.114 and for action by the examiner on "the response filed by BLTG on September 26, 2005 and ignore the amendment and remarks filed by the Jianq Chyun Law Office on September 28, 2005," as requested in the accompanying "Remarks" section.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Oct10\249402.wpd

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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.*

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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MARK A LAUER
6601 KOLL CENTER PARKWAY, SUITE 245
PLEASANTON CA 94566

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JAN 2 6 2007

OFFICE OF PETITIONS

In re Application of	:	
TRIPATHY, et al.	:	
Application No. 10/249,416	:	DECISION ON PETITION
Filed: April 7, 2003	:	
Attorney Docket No. NX-3	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed December 18, 2006, 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 November 16, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed August 16, 2006 . Accordingly, the date of abandonment of this application is November 17, 2006 .

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1400 and the publication fee of $300, (2) the petition fee of $1500; and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Monica Graves at (571) 272-7253.

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

Sherry Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7TH Floor-1, No. 100
Roosevelt Road, Section 2
Taipei, Taiwan 100

MAILED

JUL 0 5 2005

Technology Center 2100

In re Application of:	)	
Mingtar Tsai	)	
Application No. 10/249,419	)	
Filed: April 08, 2003	)	**DECISION ON REQUEST FOR**
For: METHOD AND SYSTEM OF USING	)	**WITHDRAWAL AS ATTORNEY**
SHARED FILE FOR DATA	)	
COLLABORATION	)	

This is a decision on the Request To Withdraw from Representation filed June 01, 2005.

A grantable request to withdraw as attorney of record should indicate thereon the present mailing addresses of the attorney(s) who is/are withdrawing from the record and of the applicant. The request for withdrawal must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1. 136(a). The effective date of withdrawal being the date of decision and not the date of request. See M.P.E.P. § 402.06. **37 C.F.R. § 1.36 further requires that the applicant or patent owner be notified of the withdrawal of the attorney or agent**.

The request does not contain a clear indication that the 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.

Michelle R. Eason 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

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JUN 20 2005

OFFICE OF PETITIONS

GUDRUN E. HUCKETT DRAUDT
LONSSTR. 53
WUPPERTAL 42289 DE GERMANY

In re Application of :
Alfred Trzmiel, et al. :
Application No. 10/249,423 :
Filed: April 8, 2003 :
Attorney Docket No. P70359US :

ON PETITION

This is a decision on the petition, filed March 17, 2005, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

The application became abandoned for a failure to reply in a timely manner to the non-final Office action mailed September 14, 2004. A Notice of Abandonment was mailed on March 21, 2005.

The petition is found to comply with the requirements of 37 CFR 1.137(b). Accordingly, the petition is **GRANTED**.

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

The application file is being referred to Technology Center AU 3747 for consideration of the amendment filed March 17, 2005.

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

Pet. Dec.

Practitioner's Docket No.: 1605.02 **PATENTS**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: **Gregory Desmond**
FOR: **Smoking Product**
SERIAL NO.: **10/249,424**
FILED: **04/08/2003**

Art Unit: **1731**
Examiner: **Dionne A. Walls**
Confirmation No.: **6280**

Faxed to Technology Center 1700 at (703) 872-9310
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Approved
JMStone
Jacqueline M. Stone, Director
Technology Center 1700
2/14/05

REQUEST TO WITHDRAW AS REPRESENTATIVE
37 CFR § 10.40(c)(1)(iv)

The undersigned practitioner seeks to withdraw as representative for Applicant. Applicant's conduct renders it unreasonably difficult for the practitioner to carry out the employment effectively. Practitioner has taken reasonable steps to avoid foreseeable prejudice to the rights of the client, including giving due notice to the client, allowing time for employment of another practitioner, delivering to the client all papers and property to which the client is entitled, and complying with applicable laws and rules as required by 37 CFR § 10.40(c).

Practitioner has notified the client of its withdraw from employment, and has allowed time for employment of another practitioner. All papers and property that relate to the proceeding and to which the client is entitled have been delivered to the client. If any part of a fee paid in advance has not been earned, the unearned part has been refunded to the client. Proof of service of this request upon the client identified herein.

Very respectfully,

SMITH & HOPEN, P.A.

By: _____
Anton J. Hopen

By: _____
Ronald E. Smith

By: _____
Molly L. Sauter

PAGE 3/4 * RCVD AT 9/30/2004 9:09:10 AM [Eastern Daylight Time] * SVR:USPTO-EFXRF-1/0 * DNIS:8729310 * CSID:7275078668 * DURATION (mm-ss):01-20

UNITED STATES PATENT AND TRADEMARK OFFICE

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JOHN F MCKENNA
CESARI AND MCKENNA LLP
88 BLACK FALCON AVE
BOSTON MA 02210

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MAR 16 2006

OFFICE OF PETITIONS

In re Application of	:	
Gregory Desmond	:	
Application No. 10/249,424	:	DECISION ON PETITION
Filed: April 4, 2003	:	
Attorney Docket No. 160002-0001	:	

This is a decision on paper titled "PETITION TO WITHDRAW HOLDING OF ABANDONMENT 37 CFR 181(a)", filed February 6, 2006.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a proper response to the non-final Office action, mailed June 1, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on September 2, 2005. A Notice of Abandonment was mailed on December 13, 2005.

Petitioner argues that the June 1, 2005 Office action was mailed to the incorrect address. The application file reveals that a Power of Attorney was filed on March 23, 2005, directing the Office to address all correspondence to John F. McKenna at the above address. However, the Power of Attorney was not entered and the June 1, 2005 Office action was mailed to a different address.

In view thereof, **the holding of abandonment is withdrawn**.

The application file is being forwarded to Group Art Unit 1731 for re-mailing of the June 1, 2005 Office action, setting a new period for reply.

Telephone inquiries regarding 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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GUDRUN E. HUCKETT DRAUDT
LONSSTR. 53
WUPPERTAL 42289 DE GERMANY

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OFFICE OF PETITIONS

In re Application of	:	
Alfred Trzmiel et al	:	
Application No. 10/249,426	:	ON PETITION
Filed: April 8, 2003	:	
Attorney Docket No. P7039.3US	:	

This is a decision on the petition, filed December 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 October 28, 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 3747 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

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G. THOMAS WILLIAMS
MCGARRY BAIR PC
171 MONROE AVENUE, N.W.
SUITE 600
GRAND RAPIDS MI 49503

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JUN 20 2005

OFFICE OF PETITIONS

In re Application of
Keith D. Foote, et al.
Application No. 10/249,431
Filed: December 21, 2001
Attorney Docket No. 71486-0036

ON PETITION

This is a decision in response to the petition, filed May 10, 2005, to revive the above-identified application under the provisions of 37 CFR 1.137(b).

A review of the record fails to disclose that an abandonment has occurred in this application. Accordingly, the petition is DISMISSED AS MOOT.

This decision is made without prejudice to reconsideration. If petitioner is aware of information that is not before the Office, but operates to abandon the application, i.e., 37 CFR 1.137(f), petitioner should promptly file a request for reconsideration.

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. However, no further petition fee is required. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

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

By mail: Mail Stop PETITION
Commissioner for Patents
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

The centralized facsimile number is **(703) 872-9306**.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3204.

Sherry D. Brinkley

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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MCGARRY BAIR PC
171 MONROE AVENUE, N.W.
SUITE 600
GRAND RAPIDS, MI 49503

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DEC 15 2005
OFFICE OF PETITIONS

In re Patent No. 6,926,431	:
Issue Date: August 9, 2005	:DECISION GRANTING PETITION
Application No. 10/249,431	:UNDER 37 CFR 1.137(b)
Filed: April 8, 2003	:
Attorney Docket No. 71486-0036	:

This is a decision on the petition under 37 CFR 1.137(f), filed July 25, 2005, which is being treated as a renewed 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 9, 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 applicant became abandoned 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 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.

This application matured into Patent No. 6,926,431 on August 9, 2005. Therefore, no further action being required, this patented file is being referred to Files Repository.

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

Sherry D. Brinkley

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

#6

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UNITED STATES PATENT AND TRADEMARK OFFI
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OCT 1 0 2003

TECHNOLOGY CENTER 2100

Paper No. 6

Mord Michael Lewis
NAIPO (NORTH AMERICA
INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:	)	
Shye-Lin Wu	)	
Application No. 10/249,439	)	**DECISION ON REQUEST FOR**
Filed: April 10, 2003	)	**WITHDRAWAL AS ATTORNEY**
For: METHOD AND APPARATUS FOR USING A DYNAMIC RANDOM ACCESS MEMORY IN SUBSTITUTION OF A HARD DISK DRIVE	)	

This is a decision on the Request To Withdraw from Representation filed August 18, 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 August 18, 2003 meets all the requirements. Accordingly the request is **GRANTED**.

All future communications from the Office will be directed to the above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office (Office) of any change in correspondence address to ensure receipt of all communications from the Office.

James R. Matthews

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

cc: Winston Hsu

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 3

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

MAIL

OCT 30 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Lee et al. :
Application No. 10/249,440 :
Filed: April 10, 2003 :
For: **METHOD AND APPARATUS TO REDUCE THE SYSTEM LOAD OF MOTION ESTIMATION FOR DSP** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

UNITED STATES PATENT AND TRADEMARK OFFICE

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OCT 10

In re Application of:	:	
HUANG *et al.*	:	
Serial No.: 10/249,443	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: April 10, 2003	:	
Attorney Docket No.: **NAUP0362USA0**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself. There is no outstanding Office action at this time.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No. 060304

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

JUN 18 2004

In re Application of:	:	
LIAO *et al.*	:	
Serial No.: 10/249,444	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: April 10, 2003	:	
Attorney Docket No.: **NAUP0379USA**	:	

This is a decision on the request to withdraw as attorney/agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

#3

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Paper No. 3

NAIPO (NORTH AMERICA INTERNATIONAL
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MERRIFIELD, VA 22116

In re Application of: Tsai-Sheng CHIU	)	
Application No. 10/249,445	)	**DECISION ON REQUEST FOR**
Filed: April 10, 2003	)	**WITHDRAWAL AS ATTORNEY**
For: IMPROVED BACKPLANE WITH AN	)	
ACCELERATED GRAPHIC PORT IN	)	
INDUSTRIAL COMPUTER	)	

This is a decision on the Request To Withdraw from Representation filed August 18, 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 above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the 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

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Paper No. 4

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
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SEP 1 0 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
Liu et al. :
Application No. 10/249,454 :
Filed: April 11, 2003 :
For: **WIRELESS MOBILE PHONE HEADSET CAPABLE OF TRIGGERING MOBILE PHONE FOR SIGNALING LOCATION AND CORRESPONDING METHODS** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

UNITED STATES PATENT AND TRADEMARK OFFICE

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DIRECTOR OFFICE
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NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

In re Application of	:	
CHU-HUNG TSAI	:	
Application No. 10/249,455	:	DECISION ON REQUEST TO
Filed: March 7, 2002	:	WITHDRAW AS ATTORNEY
For: **TWO TFT PIXEL STRUCTURE LIQUID CRYSTAL DISPLAY**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

#4

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Paper No. 4

NAIPO (NORTH AMERICA INTERNATIONAL
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In re Application of: Timothy TSENG, et al.	)	
Application No. 10/249,488	)	
Filed: April 14, 2003	)	**DECISION ON REQUEST FOR**
For: MULTIPLE-GRANT CONTROLLER	)	**WITHDRAWAL AS ATTORNEY**
WITH PARALLEL ARBITRATION	)	
MECHANISM AND RELATED	)	
METHOD	)	

This is a decision on the Request To Withdraw from Representation filed August 18, 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 above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the 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

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SEP 1 8 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
Chang et al.	:	
Application No. 10/249,491	:	DECISION ON REQUEST TO
Filed: April 15, 2003	:	WITHDRAW AS ATTORNEY
For: **ACCESS POINT FOR**	:	
INDOOR/OUTDOOR 802.11	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
TSUNG-JUNG KUO	:	
Application No. 10/249,492	:	DECISION ON REQUEST TO
Filed: April 15, 2003	:	WITHDRAW AS ATTORNEY
For: **DISK HOLDING DEVICE FOR OPTICAL DISK READING DEVICE**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

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Paper No. 4

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AUG 2 9 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application Serial No.:

10/249,496

ON REQUEST TO
WITHDRAW AS ATTORNEY

The Request to Withdraw as Attorney is **GRANTED**.

The correspondence address is not affected by the withdraw. 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.

KENNETH WIEDER
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2600

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Paper No. 072704

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

OCT - 8 2004

In re Application of:	:	
WU *et al.*	:	
Serial No.: 10/249,497	:	DECISION ON REQUEST TO WITHDRAW
Filed: April 15, 2003	:	FROM RECORD
Attorney Docket No.: **HTCP0004USA**	:	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin

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

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JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE
7 FLOOR-1, NO. 100
ROOSEVELT ROAD, SECTION 2
TAIPEI 100 TW TAIWAN

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OFFICE OF PETITIONS

In re Application of	:	
TSAY et al.	:	DECISION
Application No. 10/249,512	:	ON PETITION
Filed: April 15, 2003	:	
Attorney Docket No. 10522-US-PA	:	

This is a decision on the petition under 37 CFR 1.181 and 1.137(b), filed June 20, 2006, to withdraw the holding of abandonment or, in the alternative, to revive the above-identified application.

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

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

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed January 12, 2006, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on April 13, 2006.

PETITION UNDER 37 CFR 1.181

The Notice of Allowability mailed January 12, 2006 states, "Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to comply will result in ABANDONMENT of this application." One of the requirements (Box 5) of the Notice of Allowability indicates that corrected drawings "must be submitted." Specifically, Box 5(b) states the submitted corrected drawings must include, "changes required by the attached Examiner's Amendment/Comment or in the Office action of Paper No./Mail Date 12-22-05." No Examiner's Amendment/Comment or Office action was mailed on December 22, 2005.

Applicant paid the issue and publication fee on April 11, 2006 and made no comment regarding the above-quoted statement related to the drawings in the Notice of Allowability. In fact, Petitioner did not attempt to correct or clarify on the record the discrepancy in the Notice of Allowability, at any time, during the three-month period provided to comply with the requirement. Because Petitioner failed to respond to the Notice of Allowability requirement related to the corrected drawings within the three months given, the above-identified application properly went abandoned. Also in accordance with 37 CFR 1.181(f), "any petition under this part not filed within two months of the mailing date of the action or notice from which relief is

requested may be dismissed as untimely[.]" Petitioner pointed out for the first time on June 20, 2006 the discrepancy or non-receipt of the above referenced December 22, 2005 Examiner's Amendment/Comment or Office action in the January 12, 2006 Notice of Allowability. The request to correct the error or discrepancies in the Notice of Allowability is, therefore, considered untimely.

PETITION UNDER 37 CFR 1.137(b)

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of corrected drawings; (2) the petition fee of $1500; and (3) the required statement of unintentional delay have been received. Accordingly, the corrected drawings are accepted as having been unintentionally delayed.

The drawings have been approved by the USPTO draftsperson.

Telephone inquiries concerning this decision should be directed to Denise Pothier at (571) 272-4787.

The application matter is being forwarded to Office of Patent Publication.

Frances Hicks
Petitions Examiner
Office of Petitions

enc: Notice of Draftsperson's Patent Drawing Review (Form PTO-948)

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OFFICE OF PETITIONS

FISH & RICHARDSON P.C.
PO BOX 1022
MINNEAPOLIS MN 55440-1022

In re Application of	:	
Ewald Guenther et al	:	
Application No. 10/249,533	:	ON PETITION
Filed: April 17, 2003	:	
Attorney Docket No. OSRMP2001/40	:	

This is a decision on the petition, filed June 20, 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 February 17, 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 2879 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

---

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/18/09

TO SPE OF : ART UNIT 1793

SUBJECT : Request for Certificate of Correction for Appl. No.: 10249548 Patent No.: 7392927 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: The classification provided for Cahill US 2006/0222043 is incorrect. The correct classification is 374/44, not 374/047 as suggest by the patentee.

KS 3/20/09

1793

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : 06/17/09

Patent No. : 7392927 B2
Patent Issued : 07/01/08
Docket No. : **RD27777-1**

Re: Request for Certificate of Correction

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

Respecting the alleged errors in the documents filed on 02/16/09; please see attachments. **"Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 and the Code of Federal Regulation (C.F.R.) 1322."**

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

Lamonte M. Newsome

Lamonte M. Newsome
For Mary Diggs, Supervisor
Decisions & Certificates
Of Correction Branch
(703) 305-8309 or (703) 756-1574

GENERAL ELECTRIC COMPANY (PCPI)
C/O FLETCHER YODER
P. O. BOX 692289
HOUSTON TX 77269-2289

LMN

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 3/18/09

TO SPE OF : ART UNIT 1793

SUBJECT : Request for Certificate of Correction for Appl. No.: 10249548 Patent No.: 7392927 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 Director's Office at (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: The classification provided for Cahill US 2006/0222043 is incorrect. The correct classification is 374/44, not 374/047 as suggest by the patentee.

KS 3/20/09

1793

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OCT - 8 2003

PAPER NO. 3

In re Application of
Michael Lefenfeld
Serial No: 10/249,555
Filed: April 17, 2003
For: SYSTEM FOR DELIVERY OF ACTIVE SUBSTANCES

PETITION UNDER M.P.E.P. 708.02, IV

This is in response to the petition filed April 17, 2003, requesting that the above-identified application be granted Special Status under Section 708.02, IV of the MPEP and 37 CFR 1.102(c).

The petition has been considered and found to comply with the requirements set forth under the above-noted section. Accordingly, the petition is granted.

The petition is **GRANTED.**

JMStone

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

Greenberg & Lieberman
314 Philadelphia Avenue
Takoma Park, MD 20912

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Paper No. 9

XIAOSHI CHARLIE JIANG
15 KNOWLTON CIRCLE
UPTON, MA 01568

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OFFICE OF PETITIONS

In re Application of :
Xiaoshi Charlie Jiang :
Application No. 10/249,556 : ON PETITION
Filed: April 17, 2003 :
Attorney Docket No.

This is a decision on the petition under 37 CFR 1.137(a), filed March 24, 2004, to revive the above-identified application.

The petition is **GRANTED.**

This application became abandoned for failure to timely reply to the "Notice to File Missing Parts of Nonprovisional Application Papers " ("Notice") mailed May 2, 2003. The Notice set a non-extendable period for reply of two-months from its mailing date and required an executed oath or declaration and surcharge of $65.00 to be filed. No response received within the allowable period and the application became abandoned on July 3, 2003.

The oath or declaration filed February 20, 2004, is noted and made of record. The surcharge of $65.00 was received on July 14, 2004.

The Change of Correspondence Address filed March 19, 2004, is also noted and made of record.

The file is now 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) 305-0010.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

In re Application Serial No.:
10/249,557

ON REQUEST TO
WITHDRAW AS ATTORNEY

The Request to Withdraw as Attorney is **GRANTED**.

The correspondence address is not affected by the withdraw. 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.

KENNETH WIEDER
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 6

JIANG CHYUN INTELLECTUAL PROPERTY OFFICE
7F.-1, NO. 100, ROOSEVELT ROAD,
SECTION 2, TAIPEI, 100
TAIWAN, R.O.C.

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SEP 13 2004

OFFICE OF PETITIONS

In re Application of	:	
Ching-Yu Chang, et al	:	
Application No. 10/249,559	:	DECISION GRANTING PETITION
Filed: April 18, 2003	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 10719-US-PA	:	

This is a decision on the petition under 37 CFR 1.137(b), filed August 13, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply to the Notice to File Corrected Application Papers, mailed May 2, 2003, which set a period for reply of two months. No extensions of time pursuant to the provisions of 37 CFR 1.136(b) or reply having been timely filed, this application became abandoned on July 3, 2003. A Notice of Abandonment was mailed on June 1, 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 drawings; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the Notice of May 2, 2003 is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (703) 305-8680. Effective September 27, 2004, the new phone number will be 571-272-3218.

The application file is being forwarded to the Office of Initial Patent Examination Division for preexamination processing.

Frances Hicks

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 5

SMITH & HOPEN PA
15950 BAY VISTA DRIVE
SUITE 220
CLEARWATER FL 33760

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MAR 22 2004

OFFICE OF PETITIONS

In re Application of :
Weller, et al. :
Application No. 10/249,565 : ON PETITION
Filed: April 18, 2003 :
Attorney Docket No. 1372.01.PRC :

This is a decision on the petition under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed October 20, 2003.

The petition is **DISMISSED AS INAPPROPRIATE.**

The record discloses that on April 18, 2003, the date of filing of the instant application, a Request and Certification under 35 USC 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 agreement, that requires publication at eighteen months after filing."

Petitioner now requests under 35 USC 122(b)(2)(B)(ii) that the Request and Certification under 35 USC 122(b)(2)(B)(i) be rescinded and the application revived because this application became abandoned for failure to notify the Office 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 **April 18, 2003**, which date is **the same date as** the date of filing the instant application.

The instant nonprovisional application did not become abandoned as a result of the published international application filed on the same date as the present application. In this regard, 35 USC

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 added).

The facts of this case are that the subject application was filed on April 18, 2003, and the corresponding application was filed on April 18, 2003. The statute does not provide for the situation where a certification under 35 USC 122(b)(2)(B)(i) was made, despite the fact that an application was previously filed or filed on the same day in another country or under a multilateral agreement. The statute at 35 USC 122(b)(2)(B)(iii) only provides for revival in the situation where a certification was made under 35 USC 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 USC 122(b)(2)(B)(iii), a petition to revive under the provisions of 37 CFR 1.137(f)is inappropriate and must be dismissed.

As requested, the Request and Certification under 35 USC 122(b)(2)(B)(i) has been rescinded. A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing indicating a projected publication date of July 1, 2004 accompanies this decision.

The rules and statutory provisions governing the operations of the US Patent and Trademark Office require payment of a fee on filing each petition. See 35 USC 41(a)(7). Payment of the $1,300 petition fee is acknowledged.

The application is being forwarded to the Technology Center 2600 for examination in due course.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

Enc: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing (1 page)

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 27, 2006

TO SPE OF : ART UNIT 2825

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/249565 Patent No.: 7,003,744

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

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

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

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: See paper mailed on 2/10/06.

JACK CHIANG
SUPERVISORY PATENT EXAMINER

SPE

2825
Art Unit

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IBM MICROELECTRONICS
INTELLECTUAL PROPERTY LAW
1000 RIVER STREET
972 E
ESSEX JUNCTION VT 05452

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FEB 17 2005

OFFICE OF PETITIONS

In re Application of
Cadieux et al.
Application No. 10/249,576
Filed: April 21, 2003

Attorney Docket Number:
BUR920020108

Title of Invention: CORROSION INHIBITOR ADDITIVES TO PREVENT SEMICONDUCTOR DEVICE BOND-PAD CORROSION DURING WAFER DICING OPERATIONS

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed December 20, 2004, to revive the above-identified application.

This above-identified application became abandoned for failure to timely file a response to a non-final Office Action which was mailed on March 3, 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 June 4, 2004. A Notice of Abandonment was mailed on September 29, 2004.

The requirements for a grantable petition under 37 CFR §1.137(b) have been met. 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 2800 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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STUART T AUVINEN
429 26TH AVENUE
SANTA CRUZ CA 95062-5319

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OCT 10 2007

OFFICE OF PETITIONS

NOTICE

In re Patent No. 7142600 :
Issue Date: 11/28/2006 :
Application No. 10/249577 :
Filed: 04/21/2003 :
Attorney Docket No. NM-100 :

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28, filed on 24 August, 2007.

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

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

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

Inquiries related to this communication should be directed to the undersigned at (571) 272-3231.

D Wood
Douglas I. Wood
Attorney
Office of Petitions

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Paper No. 080404

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

AUG 25 2004

In re Application of:	:	
Kwo-Jen Lin *et al.*	:	
Serial No.: 10/249,588	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: April 22, 2003	:	
Attorney Docket No.: **FTCP0025USA0**	:	

This is a decision on the request to withdraw as attorney/agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Edward P. Westin at (571) 272-1638.

Edward Westin

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

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ALEXANDRIA, VA 22313-1450
WWW.USPTO.GOV

Paper No. None

BRIAN O. ZARGHAM
P.O. BOX 70
(1 S. TWIN RIDGE DRIVE)
MAKANDA IL 62958

COPY MAILED

MAR 17 2006

OFFICE OF PETITIONS

In re Application of	:	
BRIAN O. ZARGHAM	:	
Application No. 10/249,597	:	DECISION ON PETITION
Filed: April 23, 2003	:	UNDER 37 C.F.R. §1.181(A)
Title: MOBILE TEXT ENTRY DEVICE	:	
	:	

This is a decision on the petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment, filed on February 6, 2005.

BACKGROUND

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action, mailed May 19, 2005, which set a shortened statutory period for reply of three (3) months. 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 August 20, 2005. A notice of abandonment was mailed on January 24, 2006.

With the present petition, Petitioner has alleged that a response to this communication was submitted to the Office on August 15, 2005. Petitioner has included a copy of this response, as well as a copy of an Express Mail label.

RELEVANT PORTIONS OF THE C.F.R.

37 C.F.R. §1.8(b) sets forth, *in toto*:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office after a reasonable amount of time has elapsed from the time of mailing or transmitting of the correspondence, or after the application is held to be abandoned, or after the proceeding is dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence;
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate; and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Director to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of the sending unit's report confirming transmission may be used to support this statement.

37 C.F.R. §1.10(e) sets forth, *in toto*:

> (e) Any person mailing correspondence addressed as set out in § 1.1(a) to the Office with sufficient postage utilizing the "Express Mail Post Office to Addressee" service of the USPS but not received by the Office, may petition the Director to consider such correspondence filed in the Office on the USPS deposit date, provided that:
>
> (1) The petition is filed promptly after the person becomes aware that the Office has no evidence of receipt of the correspondence;
>
> (2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail";
>
> (3) The petition includes a copy of the originally deposited paper(s) or fee(s) that constitute the correspondence showing the number of the "Express Mail" mailing label thereon, a copy of any returned postcard receipt, a copy of the "Express Mail" mailing label showing the "date-in," a copy of any other official notation by the USPS relied upon to show the date of deposit, and, if the requested filing date is a date other than the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS, a showing pursuant to paragraph (d)(3) of this section that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day; and
>
> (4) The petition includes a statement which establishes, to the satisfaction of the Director, the original deposit of the correspondence and that the copies of the correspondence, the copy of the "Express Mail" mailing label, the copy of any returned postcard receipt, and any official notation entered by

the USPS are true copies of the originally mailed correspondence, original "Express Mail" mailing label, returned postcard receipt, and official notation entered by the USPS.

ANALYSIS

The showing in the present petition is not sufficient to withdraw the holding of abandonment. Petitioner has asserted that he submitted a response to the non-final Office action on August 15, 2005.

Certificate of mailing practice provides a mechanism by which Applicants may evince that a paper was timely submitted to the Office, in the event that the correspondence is not received. Petitioner's submission has been reviewed, and it does not appear to contain a certificate of mailing. As such, it does not appear that Petitioner can comply with 37 C.F.R. §1.8(b)(2).

37 C.F.R. §1.10(e) provides an alternate mechanism by which applicants may establish that a communication was submitted to the Office, but not received by the same. As such, Petitioner has provided a copy of his express mail label. Petitioner's submission has been reviewed, and it does not appear that the originally deposited papers which constitute the correspondence displays the number of the express mail label thereon. As such, it does not appear that Petitioner can comply with 37 C.F.R. §1.10(e)(3).

For the above-mentioned reasons, the petition under 37 C.F.R. §1.181 must be **DISMISSED**.

CONCLUSION

Any reply must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are permitted. The reply should include a cover letter entitled "Renewed Petition Under 37 C.F.R. 1.181." This is not a final agency action within the meaning of 5 U.S.C 704.

Alternatively, Petitioner may wish to consider filing a petition under 37 C.F.R. §§1.137(a) and/or (b).

Any subsequent petition should indicate in a prominent manner that the attorney handling this matter is Paul Shanoski, and may be submitted by mail[1], hand-delivery[2], or facsimile[3].
It is noted that the address listed on the petition differs from the address of record.

It is further noted that the address which appears on this petition does not constitute a complete mailing address.

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. 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.

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

---

1 Mail Stop Petition, Commissioner for Patents, United States Patent and Trademark Office, P.O. Box 1450, Alexandria, VA, 22313-1450.
2 Customer Window, Randolph Building, 401 Dulaney Street, Alexandria, VA, 22314.
3 (571) 273-8300- please note this is a central facsimile number.

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTEGRATED SILICON SOLUTION, INC.
1940 ZANKER ROAD
SAN JOSE, CA 95112

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OFFICE OF PETITIONS

In re Patent No. 7,054,995	:	
Issued: May 30, 2006	:	
Application No. 10/249,598	:	ON PETITION
Filed: April 23, 2003	:	
Attorney Docket No. ALNC01500	:	

This is a decision on the petition under 37 CFR 1.182, filed August 15, 2008, requesting issuance of a duplicate Letters Patent for the above-identified application.

The petition is **GRANTED**.

Petitioner stated that a Dismissal Decision was mailed previously in response to the July 14, 2008 petition. Office records, however, fail to show a decision in the system. If petitioner is able to supply a copy of the decision for Office records, it would be greatly appreciated.

The Publishing Division is directed to issue a duplicate Letters Patent.

Any questions concerning this matter may be directed to the undersigned at (571) 272-3206. Any questions concerning issuance of the duplicate Letters Patent should be directed to Niomi Farmer at (703) 308-9250, ext. 129.

A copy of this decision is being forwarded to Publishing Division for issuance of a duplicate Letters Patent.

/Liana Walsh/
Liana Walsh
Petitions Examiner
Office of Petitions

cc: Niomi Farmer, P/ODM, South Tower 8C23 (FAX 571-270-9753)

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NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET NW
SUITE 1000 WEST TOWER
WASHINGTON DC 20005

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OCT 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Ola Lundkvist	:	
Application Number: 10/249611	:	DECISION ON PETITION
Filing Date: 04/23/2003	:	
Attorney Docket Number:	:	
7589.109.PCUS00	:	

This is a decision on the petition filed on 20 September, 2007, under 37 CFR 1.137(b), [1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 4 December, 2006, for failure to timely file an appeal brief in response to the Notice of Appeal filed on 3 October, 2006, which set a two (2) month

---

[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)).

shortened period for reply. Notice of Abandonment was mailed on 22 June, 2007.

Petitioner has filed a Request for Continued Examination (RCE) and an amendment as the required reply under 37 CFR 1.114.

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

This application is being referred to the Technology Center for further processing.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc: NOVAK DRUCE & QUIGG
1000 LOUISIANA ST
HOUSTON TX 77002

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 5

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MAR - 2 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

SNELL & WILMER
ONE ARIZONA CENTER
400 EAST VAN BUREN
PHOENIX AZ 85004-0001

In re Application of
KAWAMURA, et al.
Application No. 10/249,650
Filed: April 28, 2003
For: **APPARATUS AND METHOD FOR AUDIO DATA/AUDIO-RELATED INFORMATION TRANSFER**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed January 14, 2004 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
(703) 305-4701

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Paper No. 062404

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

JUN 29 2004

In re Application of:	:	
Hsin-Ming Chen	:	
Serial No.: 10/249,651	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: April 29, 2003	:	
Attorney Docket No.: **TOPP0004USA**	:	

This is a decision on the request to withdraw as attorney/agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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FORD GLOBAL TECHNOLOGIES, LLC
FAIRLANE PLAZA SOUTH, SUITE 800
330 TOWN CENTER DRIVE
DEARBORN, MI 48126

Mail Date: 04/21/2010

Applicant	: Karl Douglas Vandivier	: DECISION ON REQUEST FOR
Patent Number	: 7571102	: RECALCULATION of PATENT
Issue Date	: 08/04/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/249,656	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 04/29/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **963** 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

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United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/249,658	04/29/2003	Chongying Xu	ATMI-596	8425

25559 7590 01/24/2006

ATMI, INC.
7 COMMERCE DRIVE
DANBURY, CT 06810

EXAMINER
ANTHONY, JOSEPH DAVID

ART UNIT	PAPER NUMBER
1714	

DATE MAILED: 01/24/2006

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Mailed:

In re Application of:
Chongying Xu et al.
Serial No.: 10/249,658
Filed: 29 April, 2003
For: Compositions and Methods for Drying Patterned Wafers During Manufacture of Integrated Circuitry Products

DECISION ON PETITION

This is a decision on the Request filed 9 November, 2005 to correct inventorship under 37 CFR §1.48(b). It is noted that the applicant has met the requirements of (i) a Request including a statement identifying Eliodor G. Ghenciu who is being deleted and acknowledging that his invention is no longer being claimed in the application and (ii) the fee set forth in 37 CFR §1.17(i). The Request is signed by Tristan Anne Fuierer who qualifies as a party under 37 CFR § 1.33(b)(2).

The petition is GRANTED.

Vasu Jagannathan
SPE, Art Unit 1714

ATMI, INC.
7 COMMERCE DRIVE
DANBURY CT 06810

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Paper No. 080404

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

AUG 11 2004

In re Application of:	:	
Shye-Lin Wu	:	
Serial No.: 10/249,671	:	DECISION ON REQUEST TO WITHDRAW
Filed: April 29, 2003	:	FROM RECORD
Attorney Docket No.: **CMOP0022USA0**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself. There is at least thirty (30) days remaining 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.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Hien H. Phan at (571) 272-1606.

Hien H. Phan, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, DC 20231
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Paper No. 3

MAIL

SEP - 8 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

In re Application of	:	
HUANG, CHI-PAO	:	
Application No. 10/249,677	:	DECISION ON REQUEST TO
Filed: April 29, 2003	:	WITHDRAW AS ATTORNEY
For: **METHOD OF DISPLAYING ITEMS IN AN ON SCREEN DISPLAY**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioner(s) of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

Kenneth A. Wieder

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

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102003

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT 10

In re Application of Chien-Hung Ho Application No. 10/249,679 Filed: April 29, 2003 Attorney Docket No. EMEP00050USA	)))))	DECISION ON REQUEST TO WITHDRAW FROM RECORD

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to Central Files where it awaits examination in its turn.

Hien H. Phan, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 072804

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

OCT - 8 2004

In re Application of:	:	
WU *et al.*	:	
Serial No.: 10/249,680	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: April 29, 2003	:	
Attorney Docket No.: **EMEP0051USA0**	:	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin

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

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Ziolokowski Patent Solutions Group
136 S Wisconsin St.
Port Washington WI 53074

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OFFICE OF PETITIONS

In re Application of
Hoge et al.
Application No. 10/249,699
Patent No. 7,112,797 B2
Filed: April 30, 2003
Docket No. GEMS8081.147

: DECISION REGARDING PTA

This decision is in response to applicants' "PETITION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.705(D)" timely[1] filed on October 17, 2006 requesting that the USPTO adjust the patent term adjustment determination at the time of the mailing of the issuance of the patent from a determination of 111 days to a determination of 245 days.

Applicants' application for Patent Term Adjustment is **GRANTED-IN-PART**. The Office will *adjust the PAIR calculation* at the time of the issuance of the patent to a determination of **412** days. The Office will *sua sponte* issue a certificate of correction reflecting this decision.

Applicants are given 30 days to reply to this decision if applicants disagree. No extensions of time are available under 37 CFR 1.136.

Applicants assert that the Office erred in assessing a reduction of 134 days for the submission of the issue fee payment. Applicants assert that they filed the issue fee payment on December 12, 2005, not June 26, 2006. Accordingly, applicants assert that they responded to the issue fee payment within three months of the mail date of the notice of allowance, November 15, 2005. Accordingly, applicants contest the reduction pursuant to 37 CFR 1.704(b). Applicants do not contest the 365 day adjustment pursuant to 37 CFR 1.702(a)(1) or the 120-day reduction pursuant to 37 CFR 1.704(c)(10).

Applicants arguments are persuasive to the extent enumerated. A review of the file reflects that applicants did submit the issue fee payment on December 12, 2005. The entry of the issue fee on June 2006 is a copy of the earlier filed issue fee payment. Accordingly, the reduction of 134 days is in error. In addition, the Office notes that pursuant to 37 CFR 1.702(a)(4), the Office is required to issue the patent within four months of the payment of the issue fee. Since the correct date of issue fee payment is December 12, 2005, the Office failed to meet the 37 CFR 1.702(a)(4) requirement. The patent issued on September 26, 2006, a one hundred and sixty-seven (167) day delay pursuant to 37 CFR 1.702(a)(4). Accordingly, the correct amount of PTA at the time of the issuance of the patent is Four hundred and twelve days (365+167-120=412).

---

[1]Issue DATE Sept. 26, 2006.

After the mailing of this decision, the Office will forward the file to the Certificate of Correction branch for a prompt issuance of the certificate of correction. Any Office delays pursuant to 37 CFR 1.702(a)(4) or 1.702(b) or applicants delays pursuant to 37 CFR 1.704(c)(10) will be adjusted at the time of the mailing of the issue notification letter that is mailed to applicants approximately three weeks prior to the issuance of the patent.

The applicants have submitted the $200.00 fee pursuant to 37 CFR 1.18(e). No additional fees are necessary in deciding this petition.

Any questions concerning this letter should be directed to Kery Fries, Senior Legal Advisor, at 571-272-7757.

Kery A Fries

Kery Fries
Senior Legal Advisor
Office of Deputy Commissioner
For Patent Examination Policy

cc: Adjusted Pair Calculation
DRAFT certificate of correction.

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT	:	7,112,797 B2
DATED	:	September 26,2006
INVENTOR(S)	:	Hoge 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 (0) days

Delete the phrase "by 111 days" and insert – by 412 days--

Day : Wednesday

PALM INTRANET

Date: 1/10/2007
Time: 11:07:11

PTA Calculations for Application: 10/249699			
Application Filing Date:	04/30/2003	PTO Delay (PTO):	365
Issue Date of Patent:	09/26/2006	Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	254
Post-Issue Petitions:	0	Total PTA (days):	412
PTO Delay Adjustment:	301		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
46	01/10/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	167		
45	01/10/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	134		
40.5	09/06/2006	PTA 36 MONTHS			
40	09/26/2006	PATENT ISSUE DATE USED IN PTA CALCULATION			
39	08/08/2006	EXPORT TO FINAL DATA CAPTURE			
38	08/04/2006	DISPATCH TO FDC			
37	08/02/2006	MAIL RESPONSE TO 312 AMENDMENT (PTO-271)			
36	07/27/2006	RESPONSE TO AMENDMENT UNDER RULE 312			
35	12/12/2005	AMENDMENT AFTER NOTICE OF ALLOWANCE (RULE 312)		120	37
34	07/12/2006	APPLICATION IS CONSIDERED READY FOR ISSUE			
33	06/29/2006	ISSUE FEE PAYMENT VERIFIED		134	27
32	12/12/2005	ISSUE FEE PAYMENT RECEIVED			
31	12/12/2005	RESPONSE TO REASONS FOR ALLOWANCE			
30	02/07/2006	FINISHED INITIAL DATA CAPTURE			
29	11/21/2005	EXPORT TO INITIAL DATA CAPTURE			
28	11/19/2005	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
27	11/15/2005	MAIL NOTICE OF ALLOWANCE			
26	11/14/2005	ISSUE REVISION COMPLETED			
25	11/14/2005	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
24	11/14/2005	NOTICE OF ALLOWABILITY			
23	10/18/2005	CASE DOCKETED TO EXAMINER IN GAU			
22	08/31/2005	DATE FORWARDED TO EXAMINER			

21	08/26/2005	RESPONSE AFTER NON-FINAL ACTION			
20	06/30/2005	MAIL NON-FINAL REJECTION	365		-1
19	06/27/2005	NON-FINAL REJECTION			
18	04/30/2004	CORRESPONDENCE ADDRESS CHANGE			
17	03/10/2004	CORRESPONDENCE ADDRESS CHANGE			
16	01/21/2004	CASE DOCKETED TO EXAMINER IN GAU			
15	10/10/2003	APPLICATION RETURN FROM OIPE			
14	10/10/2003	APPLICATION IS NOW COMPLETE			
13	10/10/2003	ADDITIONAL APPLICATION FILING FEES			
12	10/07/2003	PRE-EXAM OFFICE ACTION WITHDRAWN			
11	10/10/2003	APPLICATION RETURN TO OIPE			
10	07/17/2003	REQUEST FOR REFUND			
9	10/07/2003	APPLICATION DISPATCHED FROM OIPE			
8	10/07/2003	APPLICATION IS NOW COMPLETE			
7	07/17/2003	ADDITIONAL APPLICATION FILING FEES			
6	07/17/2003	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
3	05/07/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	05/07/2003	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	04/30/2003	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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Paper No.

BRUCE CHABANSKY
2850 MIDDLEFIELD RD
UNIT 334D
PALO ALTO, CA 94306

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FEB 15 2006

OFFICE OF PETITIONS

In re Application of	:	
Bruce Chabansky	:	DECISION ON PETITION
Application No. 10/249,708	:	
Filed: May 1, 2003	:	
Title: PORTABLE DEVICE FOR	:	
HOLDING, SIZING AND CUTTING	:	
UNROLLED OR FLAT MEDIA	:	

This is a decision on the petition filed on January 23, 2006, pursuant to 37 C.F.R. § 1.137(b), 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 C.F.R. § 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(b)."

The above-identified application became abandoned for failure to file a timely and proper reply to the non-final Office action mailed August 18, 2004. This Office action set a shortened statutory period for reply of three (3) months. No extensions of time to reply under the provisions of 37 C.F.R. §1.136(a) were obtained. No reply having been received, the application became abandoned on November 19, 2004. A Notice of Abandonment was mailed on February 28, 2005.

The provisions of 37 C.F.R. §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. A petition filed 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 Director may require additional information where there is a question whether the delay was unintentional; and

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

The instant petition does not satisfy requirement (1) above. With this petition, petitioner only filed a request for continued examination (RCE) and RCE fee.

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 this application was a non-final rejection. Prosecution is not closed. Accordingly, applicant cannot request continued examination pursuant to 37 CFR 1.114.

Moreover, applicant did not file a submission with the RCE that could be used as the reply required to the non-final Office action mailed August 18, 2004. In view thereof, the petition must be dismissed.

Petitioner is required to submit a reply to the August 18, 2004 non-final Office action in order to revive this application.

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

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

By fax: (571) 273-8300
ATTN: Office of Petitions

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

Telephone inquiries should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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SEP 28 2007

TECHNOLOGY CENTER 2100

Raymond Roberts
Intellectual Property Law Offices
1901 S. Bascom Avenue
Suite 660
Campbell CA 95008

In re Application of: Olkin et al.	)	
Application No. 10/249,717	)	**DECISION ON PETITION TO**
Attorney Docket No. 884.101US1	)	**WITHDRAW RESTRICTION**
Filed: May 2, 2003	)	**REQUIREMENT UNDER 37 CFR**
For: Digital Signature and Verification System for Conversational Messages	)	**§1.144**

This is a decision on the petition filed September 7, 2007 under 37 C.F.R. §1.144 and 37 C.F.R. §1.181 to withdraw an outstanding restriction requirement.

The petition is **GRANTED**.

RELEVANT PROSECUTION HISTORY

May 2, 2003	The application identified above was filed with claims 1-74.
October 4, 2006	A non-final Office action was mailed rejecting claims 1-74. The Office action had an art rejection of all the claims.
October 30, 2006	An amendment was filed changing the scope of only dependent claims 7 and 20. Claims 1-74 were pending.
January 12, 2007	A non-final Office action was mailed including an art rejection of all the claims.
February 21, 2007	A request for reconsideration of the art rejection without an amendment was filed.
May 1, 2007	An election of species was mailed out requiring petitioner to elect a single species.

Species 1 (a method of communicating) is claim 1.

Species 2 (a method of creating a digital signature) is claims 2-14, 28-39, 52-63 and 73

Species 3 (a method of validating a digital signature) is claims 15-27, 40-51, 64-72 and 74.

May 17, 2007	An election to species one was filed along with a traversal of the election of species.
August 8, 2007	A qualye action was mailed out making the election of species final.
September 7, 2007	A formal Petition to withdrawn the election of species requirement was filed.

REGULATIONS AND PRACTICE

37 C.F.R. § 1.143 states:

> If the applicant disagrees with the requirement for restriction, he may request reconsideration and withdrawal or modification of the requirement, giving the reasons therefor. (See § 1.111). In requesting reconsideration the applicant must indicate a provisional election of one invention for prosecution, which invention shall be the one elected in the event the requirement becomes final. The requirement for restriction will be reconsidered on such a request. If the requirement is repeated and made final, the examiner will at the same time act on the claims to the invention elected.

37 C.F.R. § 1.144 states:

> After a final requirement for restriction, the applicant, in addition to making any reply due on the remainder of the action, may petition the Commissioner to review the requirement ... A petition will not be considered if reconsideration of the requirement was not requested (see § 1.181).

37 C.F.R. § 1.145 states:

> If, after an office action on an application, the applicant presents claims directed to an invention distinct from and independent of the invention previously claimed, the applicant will be required to restrict the claims to the invention previously claimed if the

amendment is entered, subject to reconsideration and review as provided in § § 1.143 and 1.144.

37 C.F.R. § 1.181 states:

(a) Petition may be taken to the Commissioner:

(1) From any action or requirement of any examiner in the ex parte prosecution of an application, or in ex parte or inter partes prosecution of a reexamination proceeding which is not subject to appeal to the Board of Patent Appeals and Interferences or to the court;

(2) In cases in which a statute or the rules specify that the matter is to be determined directly by or reviewed by the Commissioner; and

(3) To invoke the supervisory authority of the Commissioner in appropriate circumstances. For petitions in interferences, see § 1.644.

(b) Any such petition must contain a statement of the facts involved and the point or points to be reviewed and the action requested. Briefs or memoranda, if any, in support thereof should accompany or be embodied in the petition; and where facts are to be proven, the proof in the form of affidavits or declarations (and exhibits, if any) must accompany the petition.

(c) When a petition is taken from an action or requirement of an examiner in the ex parte prosecution of an application, or in the ex parte or inter partes prosecution of a reexamination proceeding, it may be required that there have been a proper request for reconsideration (§ 1.111) and a repeated action by the examiner. The examiner may be directed by the Commissioner to furnish a written statement, within a specified time, setting forth the reasons for his or her decision upon the matters averred in the petition, supplying a copy to the petitioner.

MPEP § 806.04(f) states:

[R-3] **> Restriction Between< Mutually Exclusive *>Species< > Where two or more species are claimed, a requirement for restriction to a single species may be proper if the species are mutually exclusive.< Claims ** to different species **>are mutually exclusive if< one claim recites limitations **>disclosed for< a first species but not * a second, while a second claim recites limitations disclosed only for the second species and not the first. This **>may also be< expressed by saying that >to require restriction between claims limited to species, the< claims ** must not overlap in scope<

DECISION

37 C.F.R. § 1.181(c) requires that an action by an examiner, to be properly petitionable, must be followed by a request for reconsideration, and a repeated action by the examiner.

37 C.F.R. § 1.144 states that the applicant may petition the Commissioner after a final requirement for the restriction has been made.

In the above-identified application, applicant filed a request for reconsideration prior to the petition of September 7, 2007, in accordance with 37 C.F.R. § 1.143 and the election was made final in the August 8, 2007 office action.

The issue presented in the petition is whether the election of species under 37 C.F.R. § 1.145 is proper under the current regulations and practice.

Petitioner correctly argues that MPEP § 806.04(f) sets forth that species must be mutually exclusive. As claim 2 recites 3 steps which are steps 1-2 and part of step 7 of claim 1 and claim 15 recites 4 steps, which are steps 4-6 and the other part of step 7 of claim 1, therefore there is no mutual exclusivity and the election of species is improper.

For the above reasons, the petition is **GRANTED**.

The election of species requirement is hereby **WITHDRAWN**.

The application will be forwarded to the examiner for consideration on the merits of claims 1-74.

Tod Swann
WQAS
Technology Center 2100
Computer Architecture, Software, and
Information Security

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070424

DATE : April 24, 2007

TO SPE OF : ART UNIT 1744

SUBJECT : Request for Certificate of Correction on Patent No.: 7,162,771

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:

Changes to col. 10 are NOT approved because they remove changes agreed upon in the Examiner's Amendment of 10/3/2006.

GLADYS JP CORCORAN
SUPERVISORY PATENT EXAMINER

SPE: Gladys Corcoran **Art Unit** 1744

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 : 7,162,771

APPLICATION NO: 10/249,741

ISSUE DATE : January 16, 2007

INVENTOR(S) : Scott F. Grosze

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:

Col. 2, line 4, delete "1Â1/2" and replace with - - $1^{1/2}$ - -

Col. 2, line 31, delete "Â1/2" and replace with ~~- - 1/4~~ - - -- 1/2 --

Col. 2, line 56, delete "Speed StartÂ□" and replace with - - Speed Start™ - -

Col. 2, line 56, delete "RevolutionÂ□" and replace with - - Revolution™ - -

Col. 2, line 56, delete "EclipseÂ®" and replace with - - Eclipse® - -

Col. 3, line 65, delete "Â44" and replace with -- 1/4 --

Col. 5, line 18, delete "Â1/4" and replace with - - 1/4 - -

Col. 5, line 49, delete "EclipseÂ®" and replace with -- Eclipse® --

Col. 8, line 47, delete "contaimnent" and replace with - - containment - -

Col. 8, line 52, delete "contaimnent" and replace with - - containment - -

~~**Col. 10, line 32, delete "a rigid housing" and replace with - - a housing - -**~~

~~**Col. 10, line 37, delete "assembly with a flexible skirt that" and replace with - - assembly that - -**~~

~~**Col. 10, line 37 delete "sidewall of the" and replace with - - sidewall of a - -**~~

~~**Col. 10, line 38 delete "to a floating circular hoop and felt follower in contact with the floor to" and replace with - - to the floor with a flexible skirt to - -**~~

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Lawrence E. Evans, Esq.
Blackwell Sanders Peper Martin, LLP
720 Olive Street, Suite 2400
St. Louis, MO 63101

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.** *If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2*

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Paper No. 121003

MAILED
DEC 15 2003
OFFICE OF DIRECTOR GROUP

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:
CHU *et al.*
Serial No.: 10/249,747
Filed: May 05, 2003
Attorney Docket No.: **ACMP0101USA0**

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 18, 2003.

The request is **DISMISSED.**

The attorney/agent requesting withdrawal is not of record in the above-identified application. As such, the request must be dismissed.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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. 092203

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

SEP 24 2003

In re Application of:
WU *et al.*
Serial No.: 10/249,749
Filed: May 05, 2003
Attorney Docket No.: **VIAP0059USA**

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 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself. There is no outstanding Office action for which a response is necessary.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
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Paper No. 4

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

SEP 9 2003

In re Application of:	:	
WEI *et al.*	:	
Serial No.: 10/249,750	:	DECISION ON REQUEST TO WITHDRAW
Filed: May 05, 2003	:	FROM RECORD
Attorney Docket No.: **VIAP0055USA**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No. 6

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

NOV 18 2003

In re Application of:	:	
Wein-Town Sun	:	
Serial No.: 10/249,752	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: May 05, 2003	:	
Attorney Docket No.: **ADTP0123USA0**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

#17

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www.uspto.gov

Dr. Hengning Wu
11627 North Shore Dr. 2B
Reston, VA 20190

MAILED

DEC 16 2003

Office of the Director
Group 3600

In re Application of:
Hengning Wu
Serial No. 10/249,753
Filed: May 5, 2003
For: PERSONAL TRANSPORTATION SYSTEM

DECISION ON PETITION TO MAKE SPECIAL (ENVIRONMENTAL QUALITY)

This is a decision on the petition filed August 01, 2003 under 37 CFR 1.102 (c) to make the above-identified application special under the procedure set forth in MPEP 708.02, Section V: Environmental Quality and Section VI: Energy.

The decision will be decided under Section V: Environmental Quality since a decision to grant under either section will render the application with a special status. Therefore the decision on the petition to make the application special under Section VI: Energy is considered to be moot.

A grantable petition to make an application special under 37 C. F. R. 1.102(c), MPEP 708.02, Section V for an invention which materially enhances the quality of the environment of mankind by contributing to the restoration or maintenance of the basic life-sustaining elements-air, water and soil, must be accompanied by statements by the applicant or his attorney explaining how the invention contributes to the maintenance or restoration of one of these life sustaining elements.

The petition states that the present invention reduces the area of pavement surface and soil erosion in rural areas related to road construction and reduces the interference of roadways with wild life.

For the above stated reasons, 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 and 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.

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

RAR/cps: 12/15/03

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MOORE & VAN ALLEN PLLC
P O BOX 13706
RESEARCH TRIANGLE PARK, NC 27709

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OCT 0 2 2006

OFFICE OF PETITIONS

In re Application of	:	
Jeffrey F. Roeder et al	:	
Application No. 10/249,763	:	DECISION ON PETITION
Filed: May 6, 2003	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 020732-198.525	:	

This is a decision on the petition, filed March 10, 2006, which is being treated as a petition , under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/285,146, filed October 31, 2002, as set forth in the amendment filed with the petition.

The petition is **DISMISSED**.

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.

The petition does not satisfy item (1) above.

The reference to add the above-noted, prior-filed application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the

application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and an Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

The rule at 37 CFR § 1.78(a)(3) requires a statement that the entire delay between the date the claim was due under 37 CFR § 1.78(a)(2)(ii) and the date the claim was filed was unintentional. Since the statement appearing in the petition varies from the required language, the statement is being construed as the statement required by 37 CFR §1.78(a)(3). If this is not a correct reading of the statement appearing in the petition, petitioner should so indicate.

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

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

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

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the undersigned at (571) 272-3218.

Frances Hicks

Frances Hicks
Petitions Examiner
Office of Petitions

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TRISTAN A. FUIERER
MOORE & VAN ALLEN PLLC
P O BOX 13706
430 DAVIS DRIVE, SUITE 500
RESEARCH TRIANGLE PARK, NC 27709

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MAR 16 2007

OFFICE OF PETITIONS

In re Application of	:
Jeffrey F. Roeder et al	:
Application No. 10/249,763	: DECISION ON PETITION
Filed: May 6, 2003	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 020732-198.525	:

This is a decision on the renewed petition under 37 CFR 1.78(a)(3), filed October 6, 2006, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of priority to prior-filed nonprovisional Application No. 10/285,146, filed October 31, 2002, as 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 benefit of 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.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3218. 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 1751 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.

Frances Hicks
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
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/249,763	05/06/2003	1751	3322		85	6

CONFIRMATION NO. 7746

CORRECTED FILING RECEIPT

OC000000022932186

Tristan A. Fuierer
Moore & Van Allen PLLC
P. O. Box 13706
430 Davis Drive, Suite 500
Research Triangle Park, NC 27709

Date Mailed: 03/16/2007

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)

Jeffrey F. Roeder, Brookfield, CT;
Thomas H. Baum, New Fairfield, CT;
Matthew Healy, Norwalk, CT;
Chongying Xu, New Milford, CT;

Power of Attorney:

John Boyd--38055
David Shofi--39835
Margaret Chappuis--45735

Domestic Priority data as claimed by applicant

This application is a CIP of 10/285,146 10/31/2002 PAT 6,989,358

Foreign Applications

If Required, Foreign Filing License Granted: 05/13/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/249,763

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SUPERCRITICAL FLUID-BASED CLEANING COMPOSITIONS AND METHODS

Preliminary Class

510

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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SHERIDAN ROSS PC
1560 BROADWAY
SUITE 1200
DENVER, CO 80202

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MAY 3 1 2005

OFFICE OF PETITIONS

In re Application of	:	
John Tarje Torvik	:	
Application No. 10/249,770	:	ON PETITION
Filed: May 6, 2003	:	
Attorney Docket No. 5098-6	:	

This is a decision on the petition under 37 CFR 1.173(b), filed May 16, 2005, 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 January 14, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 15, 2005.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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ROBERT CUNNINGHAM
12 KENILWORTH DRIVE EAST
STAMFORD CT 06902

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SEP 12 2006

OFFICE OF PETITIONS

In re Application of	:	
Robert Thomas Brent Cunningham	:	
Application No. 10/249,792	:	ON PETITION
Filed: 8 May, 2003	:	
For: REVERSIBLE RUNNING	:	
STROLLER	:	

This is a decision on the petition filed on 13 February, 2006, to withdraw the holding of abandonment in the above-identified application.

The petition is **DISMISSED**.

This application became abandoned on 5 November, 2005, for failure to file a timely and proper reply to the Notice of Non-Compliant Amendment mailed on 4 October, 2005, which set a one (1) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. A reply was filed on 7 November, 2005, but was found to be non-compliant. Notice of Abandonment was mailed on 11 January, 2006.

Petitioner asserts that that the amendment filed on 7 November, 2005, was a timely and proper reply. Specifically, petitioner asserts that the reply was timely filed on 3 November, 2005, with the USPS. In support, petitioner has provided a copy a USPS receipt.

The U.S. Patent and Trademark Office (Office) file is the official record of the papers filed in this application. A review of the papers filed reveals that no timely and proper reply to the Office communication mailed on 4 October, 2005, was received in the USPTO. 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 that the reply was (or should have been) timely received in the Office, is not more persuasive than the date the papers are shown to have been received in the official file.

At best, the record shows that applicant intended to file the papers in question in the USPTO on 3 November, 2005, but the evidence, unfortunately, does not show that the USPTO timely received the response. In this regard a USPS "Certificate of Mailing" is not acceptable proof of the date of mailing as set forth in 37 CFR 1.8 and the MPEP.

As petitioner failed to comply with the requirements of 37 CFR 1.8, the Office is, unfortunately, unable to grant the requested relief. As such, the petition to withdraw the holding of abandonment must be dismissed. In future filings, petitioner should avail himself of the itemized postcard receipt practice of MPEP 503 as well as the certificate of mailing or transmission procedures set forth in 37 CFR 1.8.

Furthermore, assuming, *arguendo*, petitioner's response had been timely filed, the response is not a proper reply to the Notice mailed on 4 October, 2005, in that the examiner noted that the reply was not in compliance with 37 CFR 1.121. As petitioner clearly failed to file a proper and timely reply, the application is properly held abandoned.

It is suggested that petitioner file a petition to revive the application under 37 CFR 1.137(b), accompanied by a proper reply to the Notice mailed on 4 October, 2005. A copy of the petition form, and fee schedule is enclosed for petitioner's assistance.

Any request for reconsideration must be filed within **TWO (2) MONTHS** of the date of this decision.

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

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

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

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

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: PTO/SB/64
Fee Schedule

PTO/SB/64 (07-06)
Approved for use through 09/30/2006. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional)

First named inventor:

Application No.: Art Unit:

Filed: Examiner:

Title:

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity – fee $ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ _____.

☐ has been paid previously on _____.
☐ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). 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 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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

3. Terminal disclaimer with disclaimer fee

☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of $ _____ for a small entity or $ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Signature	Date
Typed or printed name	Registration Number, if applicable
Address	Telephone Number
Address	

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☐ Other: _____

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (571) 273-8300.

Date	Signature
	Typed or printed name of person signing certificate

Privacy Act Statement

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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ROBERT CUNNINGHAM
12 KENILWORTH DRIVE EAST
STAMFORD CT 06902

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JAN 19 2007

OFFICE OF PETITIONS

In re Application of	:	
Robert Thomas Brent Cunningham	:	
Application No. 10/249792	:	DECISION ON PETITION
Filed: 05/08/2003	:	
For: REVERSIBLE RUNNING	:	
STROLLER	:	

This is a decision on the petition filed on 31 October, 2006, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 5 November, 2005, for failure to file a timely and proper reply to the Notice of Non-Compliant Amendment mailed on 4 October, 2005, which set a one (1) month shortened period for reply. No extensions of time in accordance with 37 CFR 1.136(a) were obtained. A non-compliant reply was

---

[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)).

filed on 7 November, 2005. Notice of Abandonment was mailed on 11 January, 2006.

Petitioner states, in the present petition, that the second corrected amendment included with the petition filed on 13 February, 2006, is intended to be the required reply.

The duplicate petition fee received on 6 November, 2006, will be refunded as requested by petitioner.

The application file will be referred to Technology Center Art Unit 3618 for consideration of the reply filed on 13 February, 2006.

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

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 3

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT - 8 2003

In re Application of	)	
Wen-Huang Liu et al.	)	DECISION ON PETITION
Application No.10/249,804	)	
Filed: May 9, 2003	)	
Attorney Docket No. KYCP0008USA	)	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to the examiner for examination.

José G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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ALEXANDRIA, VA 22313-1450
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RICK WEST
3547-c SOUTH HIGUERA STREET
SAN LUIS OBISPO, CA 93401

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FEB 16 2005

OFFICE OF PETITIONS

In re Application of:	:	
Rick West	:	
Application No. 10/249,814	:	DECISION ON
Filed: May 9, 2003	:	PETITION
Title of Invention: UTILITY GRID-	:	
INTERACTIVE POWER CONVERTER WITH	:	
RIPPLE CURRENT CANCELLATION USING	:	
SKEWED SWITCHING TECHNIQUES	:	

This is a decision on the petition for revival of an application abandoned unintentionally under 37 CFR 1.137(b), filed January 18, 2005, to revive the above-identified application.

This Petition is hereby **granted**.

The above-identified application became abandoned for failure to reply in a timely manner to the nonfinal Office action, mailed June 15, 2004. 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 reply having been received, the application became abandoned January 23, 2004. A Notice of Abandonment was mailed December 28, 2004.

With the instant petition, Applicant has filed an Amendment in response to the nonfinal Office action.

Having found that all of the requirements for a grantable petition under 37 CFR 1.137(b) have been met, **this petition is hereby granted.**

This application is being returned to Technology Center 2838 for processing of the Amendment, filed January 18, 2005, in due course.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3232.

Derek L. Woods
Attorney/Advisor
Office of Petitions

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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DYKEMA GOSSETT PLLC
39577 WOODWARD AVENUE
SUITE 300
BLOOMFIELD HILLS, MI 48304

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OCT 2 9 2004

OFFICE OF PETITIONS

In re Application of Carey et al. Application No. 10/249,836 Filed: May 12, 2003 Attorney Docket No. 201-0911	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.182, filed September 20, 2004, to change the order of the names of the inventors.

The petition is **GRANTED**.

The order of the names of the inventors will be changed as follows:

1. Donald G. Mikolai
2. Matthew Carey
3. Muhammed Ayub

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a request to change the address of record should be filed. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

Telephone inquiries should be directed to Paralegal Liana Chase at (571) 272-3282.

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

cc: GIGETTE M. BEJIN
FORD GLOBAL TECHNOLOGIES LLC
1 PARKLANE BOULEVARD, SUITE 600
DEARBORN, MI 48126

Enclosure: 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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DYKEMA GOSSETT PLLC
2723 SOUTH STATE STREET
SUITE 400
ANN ARBOR, MI 48104

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SEP 0 9 2005

OFFICE OF PETITIONS

In re Application of :
Jacob Mathews, et al. :
Application No. 10/249,839 : ON PETITION
Filed: May 12, 2003 :
Attorney Docket No.: None :
:

This is a decision on the petition, filed September 6, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 16, 2005, in the above-identified application, cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

It is noted that the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

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

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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 application is being referred to Technology Center AU 3618 for further processing of the request for continued examination under 37 CFR 1.114.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: GIGETTE M. BEJIN
FORD GLOBAL TECHNOLOGIES, LLC
1 PARKLANE BOULEVARD, SUITE 600
DEARBORN, MI 48126

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date : September 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) : Jacob Mathews, et al.
Application No. : 10/249,839
Filed : May 12, 2003

The above-identified application has been assigned Patent No. 6,948,579 and an issue date of September 27, 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 September 27, 2005:

> "All reference to Patent No. 6,948,579 to JACOB MATHEWS, ET AL. of MICHIGAN for BATTERY MOUNTING SYSTEM FOR AUTOMOTIVE VEHICLE appearing in the Official Gazette of September 27, 2005, should be deleted since no patent was granted."

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

cc: Paul Harrison, Crystal Park 3-44l (FAX-306-2737)
Deneise Boyd, Crystal Park 2, Suite 1100 (FAX-308-5413)
Mary Louise McAskill, Crystal Park 3-910 (FAX 305-4372)
Niomi Farmer, Crystal Park 3-9l0 (FAX-305-4372)
Mary E. Johnson (Cookie), P/OCS, CM1-6D07
Duane K.Davis, P/OCS, CM1-6A07
Tamara K. Greene, PK3-910

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OCT 16 2008

OFFICE OF PETITIONS

INTEGRATED SILICON SOLUTION, INC.
1940 ZANKER ROAD
SAN JOSE CA 95112

In re Patent No. 7,043,600	:	
Issue Date: May 9, 2006	:	
Application No. 10/249,842	:	DECISION ON PETITION
Filed: May 12, 2003	:	
Attorney Docket No. 60409.300801	:	

This is a decision on the petition under 37 CFR 1.182, filed July 14, 2008 and supplemented on August 15, 2008, requesting issuance of a duplicate Letters Patent for the above-identified patent.

The petition is **GRANTED**.

The Publishing Division is directed to issue a duplicate Letters Patent.

As authorized, the $400 fee for the petition under 37 CFR 1.182 has been assessed to petitioner's deposit account.

Telephone inquiries concerning this decision may be directed to the undersigned at (571) 272- 3208. Inquiries regarding the issuance of a duplicate Letters Patent may be directed to Krystal Paige in the Publishing Division at (703) 308-9250, Ext. 139.

A copy of this decision is being faxed to Publishing Division for issuance of a duplicate Letters Patent.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

cc: Krystal Paige, South Tower, 8th Floor, Room C32 (Fax No. (571) 270-9937)

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FROM DIRECTORS OFFICE

JUN 17 2005

TECHNOLOGY CENTER 3600

N'Gen New Generation Innovations, L.L.C.
11908 West Cooper Drive
Littleton, CO 80127

In re Application of
Dmitrijs V. Dubinins, et al.
Application No. 10/249,850
Filed: May 12, 2003
For: COMBINATION SQUEEZE TOY AND CHEW TOY

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on applicants' petition to withdraw the holding of abandonment filed in the United States Patent and Trademark Office (USPTO) on October 26, 2004.

The petition is **DISMISSED**.

A review of the file record reveals that a Notice of Allowability and Notice of Allowance and Issue Fees Due were mailed to applicant on May 14, 2004. Since a response was not received before the expiration of the three-month statutory period for reply, the application became abandoned, and a Notice to that effect was mailed on September 24, 2004.

Applicants contend that the Notice of Allowability and Notice of Allowance and Issue Fees Due, mailed to applicants on May 14, 2004, were not received.

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 applicants may be overcome by a showing that the communication was not, in fact, received as indicated below.

Applicants' statements of non-receipt should include a statement by both named inventors, and by anyone else at applicants' correspondence address, that would have handled the Office communication. Applicants should also 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 applicants), 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 applicants use as a reminder, and submit in response to this decision should be adequately explained. Also, a statement is required that a search of the file maintained by applicants, or any other location where correspondence from the USPTO is kept, failed to find a copy of the Office communication in question. Finally, applicants must

state that they were in fact at the correspondence address of record at the time the Office action would have been received (i.e., that the correspondence address is current).

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
(571) 272-6619

RAR/rwg: 6/16/05

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N'GEN NEW GENERATION INNOVATIONS, L.L.C.
11908 WEST COOPER DRIVE
LITTLETON, CO 80127

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SEP 08 2005

OFFICE OF PETITIONS

In re Application of	:	
Dmitrijs V. Dubinins et al	:	
Application No. 10/249,850	:	ON PETITION
Filed: May 12, 2003	:	
Attorney Docket No.	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 30, 2005, 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 May 14, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on August 15, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue fee; (2) the petition and publication fees; and (3) the required statement of unintentional delay have been received. Accordingly, the issue fee is accepted as having been unintentionally delayed.

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

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)
6981471	2006-01-03	10249850	2003-05-12	

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

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

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

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

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

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

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

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	/Kenneth Alan Jellico/	Date (YYYY-MM-DD)	2010-03-02
Name	Kenneth Alan Jellico		

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. 6981471
Issue Date: January 3,2006
Application No. 10249850
Filed: May 12,2003
Attorney Docket No.

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

This is a decision on the electronic petition, filed March 3,2010 ,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 3,2010 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATEN
UNITED STATES PATENT AND TRADEMARK OFFI
WASHINGTON, D.C. 2023
www.uspto.g

Paper No. 3

MAIL

SEP 1 1 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2100

Mord Michael Lewis
NAIPO (NORTH AMERICA
INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:)
Shye-Lin Wu)
Application No. 10/249,851) **DECISION ON REQUEST FOR**
Filed: May 13, 2003) **WITHDRAWAL AS ATTORNEY**
For: CIPHERING ACTIVATION DURING)
AN INTER-RAT HANDOVER
PROCEDURE

This is a decision on the Request To Withdraw from Representation filed August 18, 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 August 18, 2003 meets all the requirements. Accordingly the request is **GRANTED**.

All future communications from the Office will be directed to the above-listed address until otherwise notified by applicant. This correspondence address is provided by the withdrawn attorney(s). Applicant is reminded of the obligation to promptly notify the Patent and Trademark Office (Office) of any change in correspondence address to ensure receipt of all communications from the Office.

James R. Matthews

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

cc: Winston Hsu

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. 121003

MAILED
DEC 15 2003
OFFICE OF DIRECTOR, GROUP

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:
Hsin-Tao Haung
Serial No.: 10/249,852
Filed: May 13, 2003
Attorney Docket No.: **QDIP0002USA0**

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 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 3

Winston Hsu
P.O. BOX 506
Merrifield, VA 22116

MAILED

DEC 0 5 2003

Technology Center 2100

In re Application of:
Shye-Lin Wu
Application No.: 10/249,853
Filed: May 13, 2003
For: METHOD FOR REDUCING POWER CONSUMPTION OF MULTIMEDIA DATA PLAYBACK ON A COMPUTER SYSTEM

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the Request to Withdraw from Representation filed August 18, 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 agnet.

The signer of the petition, Mord Michael Lewis is not appointed as an attorney or agent of record. Therefore he is not authorized to act on behalf of the attorneys or record, nor can he effect a change of address.

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

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

for James R. Matthews
Vincent N. Trans
Special Programs Examiner
Technology Center 2100
Computer Architecture and Software
(703) 305-9750

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dickinson Wright PLLC
38525 Woodward Avenue
Suite 2000
Bloomfield Hills, MI 48304

Mail Date: 04/21/2010

Applicant	: Paul Michael Ratzmann	: DECISION ON REQUEST FOR
Patent Number	: 7655915	: RECALCULATION of PATENT
Issue Date	: 02/02/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/249,859	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 05/13/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **497** 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

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WASHINGTON, DC 20231
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Paper No. 3

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

MAIL

SEP 0 4 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of	:	
Chen et al.	:	
Application No. 10/249,863	:	DECISION ON REQUEST TO
Filed: May 13, 2003	:	WITHDRAW AS ATTORNEY
For: **FLEXIBLE CORRELATION FOR CELL SEARCHING IN A CDMA SYSTEM**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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JUN 29 2004

In re Application of
Michael John Haider
Application No. 10/249,871
Filed: May 14, 2003
For: Footzee

DECISION ON PETITION

This is a decision on the petition to make special filed on May 10, 2004. The $130.00 petition fee has been received.

The petition is denied.

The petition to make special is based upon the existence of an prospective manufacture. However, a review of the petition shows on page two of the petition, petitioner states that:

"[T]he prospective manufacturer has **not** obligated itself to manufacture the invention, in the United States or its possessions, in quality immediately upon the issuance of a patent which will protect the investment of capital and facilities. The prospective manufacturer has refused to review the invention, a necessary prerequisite to manufacture, until a patent has been granted (copies of correspondence attached)." (Emphasis supplied.)

One of the requirements established in MPEP § 708.02(I) for a petition to make special based upon the grounds of prospective manufacture is that the prospective manufacturer has in fact obligated itself to produce the invention upon the grant of a patent, but will not do so prior to the grant of the patent. In other words, the manufacturer is a prospective manufacturer from the manufacturer's point of view, not the inventor's. In this case, it is clear that the manufacturer has not obligated itself to manufacture anything. Indeed, it appears from the first page of the petition that the manufacturer has not even reviewed the disclosure of the invention. Therefore, it is clear that petitioner is not entitled to have this application handled special in accordance with MPEP § 708.02(I)., subsection styled "Handling of Petitions to Make Special".

The application remains pending in Technology Center 3700 awaiting first action in due course.

PETITION DENIED.

Stephen Marcus, Special Program Examiner,
Technology Center 3700

Michael John Haider
449 Bennett Cerf Drive
Westminster, MD 21157

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)
6804777	2004-10-12	10249877	2003-05-14	24317-0007001

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 A. Rozylowicz/	Date (YYYY-MM-DD)	2009-08-28
Name	Thomas A. Rozylowicz	Registration Number	50620

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. 6804777
Issue Date: October 12,2004
Application No. 10249877
Filed: May 14,2003
Attorney Docket No. 24317-0007001

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

This is a decision on the electronic petition, filed August 28,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of August 28,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

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Paper No. 8

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OFFICE OF PETITIONS

OPPEDAHL AND LARSON LLP
P O BOX 5068
DILLON CO 80435-5068

In re Application of
Aberman, Kaperst, Kaplan, Krissel & Stein
Application No.: 10/249,884
Filed: May 14, 2003
Attorney Docket No. MLCO.P-004
For: FINANCIAL INSTRUMENTS AND METHODS

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, 2003 via facsimile.

The petition is **DISMISSED**.

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

The above-identified application was filed on May 14, 2003 without an executed oath or declaration. Accordingly, on June 2, 2003, a "Notice to File Missing Parts of Nonprovisional Application" was mailed, requiring an executed oath or declaration and a surcharge for its late filing.

In response, on July 23, 2003, a declaration executed by 5 of 6 joint inventors, the surcharge, the petition fee, and the instant petition were filed. A declaration of facts of Attorney Carl Oppedahl accompanies the petition. Mr. Oppedahl explains that non-signing joint inventor, Robert Aberman, received a copy of the application, including specification, claims, and drawings, as well as a declaration on two separate occasions and the inventor refused to sign the declaration for the patent application unless he received further compensation. A copy of the June 18, 2003 e-mail refusal has been submitted.

A grantable petition under 37 CFR 1.47(a) requires

(1) a petition including proof of the pertinent facts establishing that the joint inventor(s) refuses to join, or cannot be found or reached after diligent effort,
(2) a proper oath or Declaration executed by the available joint inventor(s),
(3) the fee of $130 as specified in 37 CFR § 1.17(h), and
(4) the last known address of the omitted inventor(s).

This petition lacks item (2) above.

As to item (2), an oath or declaration for the patent application in compliance with 37 CFR 1.63 and 1.64 still has not been presented. The declaration contains an noninitialed, nondated

alteration to Inventor Kaplan's information. 37 CFR 1.52(c) states that "[a]ny interlineation, erasure, cancellation or other alteration of the application papers filed should be made on or before the signing of the accompanying oath or declaration pursuant to 1.63...." This includes the oath or declaration. The Office will not consider whether noninitialed and or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration. See MPEP 605.04(a). An oath or declaration in compliance with 37 CFR 1.63 and 1.64 signed by the Rule 1.47 applicants on behalf of Mr. Aberman is REQUIRED. See MPEP 409.03(a).

Fortunately, the deficiency or inaccuracy relates to a signing inventor. Thus, pursuant to 37 CFR 1.67(a)(2), Mr. Kaplan can correct his respective information on a supplemental declaration identifying the entire inventive entity and including their information, but signed only by him.

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 facsimile:	(703) 308-6916 Attn: Office of Petitions
By hand:	Office of Petitions 2201 South Clark Place Crystal Plaza 4, Suite 3C23 Arlington, VA 22202

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
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
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OPPEDAHL AND LARSON LLP
P O BOX 5068
DILLON CO 80435-5068

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OFFICE OF PETITIONS

In re Application of
Aberman, Kaperst, Kaplan, Krissel & Stein
Application No.: 10/249,884
Filed: May 14, 2003
Attorney Docket No. MLCO.P-004
For: FINANCIAL INSTRUMENTS AND METHODS

ON PETITION

This is a decision on the reconsideration petition under 37 CFR 1.47(a) and the petition under 37 CFR 1.137(b) to revive the above-identified application. Both petitions were filed on February 15, 2005.

The petition under 37 CFR 1.47(a) is **GRANTED**.

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

PETITION UNDER 37 CFR 1.47(a)

Petitioners have shown that the non-signing inventor, Robert Aberman, has refused to join in the filing of the above-identified application after having been presented with the application papers. Specifically, the declaration/statement of facts of Attorney Carl Oppedahl establishes that the inventor received a copy of the application, including specification, claims, and drawings, as well as a declaration on two separate occasions and the inventor refused to sign the declaration for the patent application unless he received further compensation. A copy of the June 18, 2003 e-mail refusal has been submitted. Petitioners have submitted a declaration in compliance with 37 CFR 1.63 and 1.64.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This 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.

PETITION UNDER 37 CFR 1.137(b)

The application became abandoned for failure to timely respond to the Decision Refusing Status under 37 CFR 1.47(a), mailed on September 9, 2003, which set an extendable two (2) month period for reply. No reply being received and no extension of time being obtained, the application became abandoned on November 10, 2003. The filing of the instant petition precedes the mailinf of a Notice of Abandonment.

Petitioners have (1) obtained Rule 47 status with the February 15, 2005 petition, (2) paid the 37 CFR 1.137(b) petition fee, and (3) submitted an adequate statement of the unintentional nature of the delay in responding to the September 9, 2003 decision on petition.

The petition to revive under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the application file will be forwarded to Technology Center A.U. 3624 for examination in due course.

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

E Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

ROBERT ABERMAN
325 DWASLINE RD.
PASSAIC, NJ 07055

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APR 0 8 2005

OFFICE OF PETITIONS

In re Application of
Aberman, Kaperst, Kaplan, Krissel & Stein
Application No.: 10/249,884
Filed: May 14, 2003
Attorney Docket No. MLCO.P-004
For: FINANCIAL INSTRUMENTS AND METHODS

LETTER

Dear Mr. Aberman:

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.

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).

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

ATTORNEY OF RECORD: OPPEDAHL AND LARSON LLP
P O BOX 5068
DILLON CO 80435-5068

UNITED STATES 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

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT - 3 2003

In re Application of	:	
Chien-Hung Ho	:	DECISION ON REQUEST TO
Application No.: 10/249,887	:	WITHDRAW FROM RECORD
Filed: May 15, 2003	:	
For: VOLTAGE RECOVERY SWITCH	:	

This is a decision on the request filed by Mord Michael Lewis to withdraw as agent of record pursuant to 37 C.F.R. § 1.36 filed on August 18, 2003. The request was for Mr. Lewis alone.

The request is **APPROVED** for the withdrawal of Mr. Lewis as an agent of record. The withdrawal is effective as of the date of this letter not when the request for withdrawal was filed.

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

The application remains a docketed new case ready for examination.

Any inquiries concerning this decision should be directed to Edward Westin at (703) 308-4823.

Edward Westin

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 4

MAIL

SEP - 8 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

In re Application Serial No.:

10/249,890

ON REQUEST TO
WITHDRAW AS ATTORNEY

The Request to Withdraw as Attorney is **GRANTED**.

The correspondence address is not affected by the withdraw. 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.

KENNETH WIEDER
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2600

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 3

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

OCT - 3 2003

In re Application of	:	
Yu Chen et al.	:	
Application No.: 10/249,891	:	DECISION ON REQUEST TO
Filed: May 15, 2003	:	WITHDRAW FROM RECORD
For: COOL AIR-SUPPLYING DEVICE FOR	:	
A COMPUTER SYSTEM	:	

This is a decision on the request filed by Mord Michael Lewis to withdraw as agent of record pursuant to 37 C.F.R. § 1.36 filed on August 18, 2003. The request was for Mr. Lewis alone.

The request is **APPROVED** for the withdrawal of Mr. Lewis as an agent of record. The withdrawal is effective as of the date of this letter not when the request for withdrawal was filed.

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

The application remains a docketed new case ready for examination.

Any inquiries concerning this decision should be directed to Edward Westin at (703) 308-4823.

Edward Westin

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOVAK DRUCE & QUIGG, LLP
1300 EYE STREET NW
400 EAST TOWER
WASHINGTON, DC 20005

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MAY 1 8 2006

OFFICE OF PETITIONS

In re Application of

Bertil Jonsson

Application No. 10/249,898

Filed: May 15, 2003

Attorney Docket
No.07589.0110.PCUS00

DECISION ON PETITION

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

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the final Office action mailed March 10, 2005, which set a shortened statutory period for reply of three (3) months. Extensions of the time set for reply were available pursuant to 37 CFR 1.136. No response was received within the allowable period. The application became abandoned on June 11, 2005. A Notice of Abandonment was mailed on December 20, 2005.

The examiner has determined that the amendment filed January 4, 2006, places the application in condition for allowance.

The application is being forwarded to Technology Center 3700, GAU 3745 for further processing.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Date Mailed : March 20, 2007

Patent No. : 7,004,357
Inventor(s) : February 28, 2006
Issued : Jerry D. Shew et al.
Title: : GREASE GUN
Docket No. : f8800.2402/P002

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 Rules 1.322 and 1.323.

Respecting the alleged error the omission of inventors' names, the inventors are printed in accordance with the Declaration submitted at the time of filing the application. Therefore, no correction is in order here under Rules 1.322 or 1.323.

However, your attention is directed to C.F.R. 1.324, wherein a request is being made to add or delete inventor(s), after issuance of the patent.

In view of the foregoing applicants request in this matter is hereby denied. Any telephone inquiry concerning this communication should be directed to Ms. A. Green at (703) 308-9380 ext. 123.

Cecelia B. Newman, Supervisor
Decisions & Certificates
of Correction Branch
(703) 308-9390 or (703) 308- 9380 ext. 123

Donald A. Gregory
Dickstein Shapiro LLP
1825 Eye Street, NW
Washington, DC 20006-5403

CBN/arg

UNITED STATES PATENT AND TRADEMARK OFFICE

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Director's Office
Office of Patent Publication

ARTZ & ARTZ, P.C.
28333 TELEGRAPH ROAD, SUITE 250
SOUTHFIELD, MI 48034

In re Application of	:	
JOHN, NANTZ, et al .	:	
Application No. 10/249,901	:	**DECISION ON PETITION**
Filed: May 16, 2003	:	
Attorney Docket No. LC0123PUS	:	

This is a decision on the Request For Withdrawal Of Abandonment, received in the United States Patent & Trademark Office (USPTO) on May 26, 2006, which is being treated as a Petition To Withdraw Holding Of Abandonment under 37 CFR § 1.181.

The petition is **DISMISSED**. Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO (2) MONTHS from the mail date of this decision.

The above-identified application was held abandoned for applicant's failure to timely pay the issue fee, as required in the Notice of Allowance and Fee(s) Due mailed July 27, 2005. The Notice of Abandonment, mailed on March 28, 2006 indicates, "The submitted fee of $300 is insufficient. A balance of $1,400 is due."

The Office acknowledges receipt of Part B – Fee(s) Transmittal on September 8, 2005, authorizing that the Issue Fee be charged to Deposit Account No. 50-0476. On September 9, 2005, when an attempt was made by the Office of Finance to charge the fees, there were insufficient funds in the Deposit Account to charge the required fee.

37 CFR 1.25 (a) and (b), which states in part:

> 1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."
>
> 1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

In light of the non-compliance with 37 CFR 1.25, the holding of abandonment cannot be withdrawn.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

- Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

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

Telephone inquires concerning this decision matter may be directed to the undersigned at 703 308-9250 Ext. 153.

Cheryl Mcleod
Quality Operations Assistant
Office of the Director
Office of Patent Publications

UNITED STATES PATENT AND TRADEMARK OFFICE

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Director's Office
Office of Patent Publication

ARTZ & ARTZ, P.C.
28333 TELEGRAPH ROAD, SUITE 250
SOUTHFIELD MI 48034

In re Application of :
JOHN, NANTZ et, al :
Application No. 10/249,901 : **DECISION ON PETITION**
Filed: May 16, 2003 :
Attorney Docket No. LC0123PUS :

This is a decision on the Renewed Request For Withdrawal of Abandonment, received in the United States Patent & Trademark Office (USPTO) on October 24, 2006.

The request is **DENIED.** Any request for reconsideration of this decision, or as explained below, filing a petition seeking revival under 37 CFR § 1.137, must be filed within TWO (2) MONTHS from the mail date of this decision.

The Decision On Petition mailed August 24, 2006 dismissed the applicant's Petition submitted May 26, 2006 due to insufficient funds in the Deposit Account when an attempt was made by the Office of Finance to charge the fees and non-compliance with 37 CFR § 1.25.

37 CFR 1.25 (a) and (b), which states in part:

> 1.25(a) ...An amount sufficient to cover all fee, services, copies, etc., requested must always be on deposit. Charges to accounts with insufficient funds will not be accepted."
>
> 1.25 (b) ...An authorization to charge a fee to a deposit account will not be considered payment of the fee on the date the authorization to charge the fee is effective as to the particular fee to be charged unless sufficient funds are present in the account to cover the fee.

The Applicant is requesting reconsideration of the Petition in light of the Deposit Account Statement submitted herewith, which indicates that the funds were sufficient to pay the Issue Fee.

The grounds for abandonment was provided by the Office of Finance's Deposit Account Maintenance record which indicated that on September 9, 2005 there was an account balance of $1,056.00 **when the Office attempted to charge the required fees**, which apparently did not show on the monthly account statement. The Applicant may which to contact the Office of Finance to report this discrepancy.

The holding of abandonment cannot be withdrawn at this time.

Applicant may seek relief by filing a petition for Revival of Abandoned Application under CFR § 1.137 (a) or (b). (Forms are available at USPTO website http://www.uspto.gov)

- Under 37 CFR 1.137(a), a petition for the revival of an ***unavoidable*** abandoned application
- Under 37 CFR 1.137(b), a petition for the revival of an ***unintentionally*** abandoned application

Further inquires with respect to filing a petition under 37 CFR § 1.137 may be directed to the Office of Petitions at 571-272-3282 or addressed as follows:

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

Telephone inquires concerning this decision matter may be directed to the undersigned at 703 308-9250 Ext. 163.

Nina Motley

Nina D. Motley
Quality Operations Assistant
Office of the Director
Office of Patent Publications

DATE: 8-27-07 APPLICATION NUMBER: 10/249,901

DOC CODE: PET.DEC.PUB DOC DATE: 8/29/07

DELIVER THE ATTACHED FILE/DOCUMENT TO THE TC SCANNIG CENETER

CONTRACTOR: THE ATTACHED FILE/DOCUMENT MUST BE INDEXED AND SCANNED INTO IFW WITHIN 8 WORK HOURS; UPLOADING OF THE SCANNED IMAGES SHOULD OCCUR NO LATER THAN 16 WORK HOURS FOLLOWING RECEIPT OF THIS REQUEST

AFTER SCANNING, ORIGINAL DOCUMENTS SHOULD BE BOXED IN ACCORDANCE WITH INSTRUCTIONS

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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OFFICE OF PETITIONS

ARTZ & ARTZ, P.C.
28333 TELEGRAPH ROAD, SUITE 250
SOUTHFIELD, MI 48034

In re Application of John et al. :
Application No. 10/249,901 : Decision on Petition
Filing Date: April 10, 2007 :
Attorney Docket No. LC0123PUS :

This is a decision on the petition under 37 CFR 1.137(b), filed March 22, 2007, 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 July 27, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 28, 2005. A Notice of Abandonment was mailed on March 28, 2006.

The instant petition requests revival of the application.

Petitioner has submitted the required petition fee of $1,500. Petitioner has submitted a reply to the Notice of Allowance in the form of the publication fee paid September 8, 2005, and the issue fee paid May 26, 2006. Petitioner has stated 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 met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office charged $1,400 for the issue fee and $300 for the publication fee to petitioner's deposit account on March 23, 2007. Both of these fees had been previously charged to the deposit account. Therefore, $1,700 has been credited back to the deposit account.

The Office of Patent Publications will be informed of the instant decision and the application will be issued as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dickinson Wright PLLLC
38525 Woodward Avenue, Suite 2000
Bloomfield Hills MI 48304-5092

MAILED

JUN 08 2010

OFFICE OF PETITIONS

In re Patent No. 6,918,368 :
Issue Date: July 19, 2005 :
Application No. 10/249,902 : ON PETITION
Filed: May 16, 2003 :
Attorney Docket No. LC 0122 PUS :

This is a decision on the petition under 37 CFR 1.378(c), filed March 23, 2010, to accept the unintentionally delayed payment of a maintenance fee for the above-identified patent.

The petition is **GRANTED**.

This patent expired on July 20, 2009 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.

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 a result of a reasonable inquiry into the facts and circumstances of such delay. In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such an inquiry results in the discovery that the delay in paying the maintenance fee under 37 CFR 1.378(c) was intentional, petitioner must notify the Office.

There is no indication that the person signing the 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 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 the undersigned at (571) 272-3215.

Charlema Grant
Petitions Attorney
Office of Petitions

Cc: Scott A. Blake
MacMillan, Sobanski & Todd, LLC
One Maritime Plaza fifth Floor
Toledo, Ohio 43604

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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MCGARRY BAIR PC
171 MONROE AVENUE, N.W.
SUITE 600
GRAND RAPIDS MI 49503

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OFFICE OF PETITIONS

In re Application of	:	
Roper, Michael	:	DECISION ON PETITION
Application No. 10/249,908	:	TO WITHDRAW
Filed: May 16, 2003	:	FROM RECORD
Attorney Docket No. 71522-0006	:	

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 7, 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 Joel E. Bair on behalf of all attorneys of record who are associated with Customer Number 20915.

All attorneys/agents associated with Customer Number 20915 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 inventor; or (2) the assignee of the entire interest. All future communications from the Office will continue to be directed to the assignee of the entire interest at the first below-listed address until otherwise properly notified by the applicant.

Telephone inquires concerning this decision should be directed to Petitions Examiner Liana Chase at (571) 272-3206. All other inquires concerning either the examination or status of the application should be directed to the Technology Center.

David Bucci
Petitions Examiner
Office of Petitions

Cc:

SENDO INTERNATIONAL LIMITED
1601-3 KINWICK CENTER
32 HOLLYWOOD ROAD, CENTRAL
HONG KONG, CHINA

MOTOROLA INC
RANDY VAAS
6000 NORTH US HIGHWAY
ROOM AN475
LIBERTYVILLE, IL 60045

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

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OFFICE OF PETITIONS

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

In re Application of Christiaan H. Koevoets, et al. Application No. 10/249,929 Filed: May 20, 2003 Attorney Docket No. 08CN8838-14	: : : : :	ON PETITION

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

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before July 25, 2006. A Notice of Abandonment was mailed on October 19, 2006. On November 1, 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ____

DATE : 3/10/08

TO SPE OF : ART UNIT 1714

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/249929 Patent No: 7226963B2

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.

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

Comments: _____

[signature] 1796
SPE **Art Unit**

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. 080304

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

AUG 20 2004

In re Application of:	:	
WU *et al.*	:	
Serial No.: 10/249,941	:	DECISION ON REQUEST TO WITHDRAW
Filed: May 21, 2003	:	FROM RECORD
Attorney Docket No.: **ATCP0014USA0**	:	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (571) 272-1594.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 10-18-07

TO SPE OF : ART UNIT 3712

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/249949 Patent No.: 6862782

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 Check Cols / Drawings

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

Eugene Kim

Certificates of Correction Branch

703-308-9390 ext. _____

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

Gene Kim

Digitally signed by Gene Kim
DN: cn=Gene Kim, c=US, o=PTO, ou=AU 3711, email=eugene.kim@uspto.gov
Date: 2010.02.18 14:26:12 -05'00'

SPE

Art Unit

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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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OCT 14 2004

In re Application of	:	
F. Baker Williams	:	
Serial No. 10/249,951	:	DECISION ON PETITION
Filed: May 21, 2003	:	TO MAKE SPECIAL
For: BIAS BINDING	:	

Applicant's petition, filed September 3, 2003, requests that this application be rendered special for examination in that applicant is over sixty-five (65) years of age.

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(IV) of the Manual of Patent Examining Procedure (MPEP).

PETITION GRANTED.

E. Rollins-Cross, Director
Technology Center 3700

Randy W. Lacasse
1725 Duke Street, Suite 650
Alexandria, VA 22314

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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CANTOR COLBURN, LLP
20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

MAILED

APR 27 2010

OFFICE OF PETITIONS

In re Application of	:	
Aseem Kumar Srivastava et al	:	
Application No. 10/249,964	:	ON PETITION
Filed: May 22, 2003	:	
Attorney Docket No. 03-CCS-004	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 28, 2010, to revive the above-identified application.

The petition is **DISMISSED.**

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

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The 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 9, 2009. 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). Since 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), RCE, or the filing of a continuing application under 37 CFR 1.53(b).

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

By mail: Mail Stop 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 facsimile: (571) 273-8300
ATTN: Office of Petitions

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

Irvin Dingle
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

Advisory Action Before the Filing of an Appeal Brief	Application No. 10/249,964	Applicant(s) SRIVASTAVA ET AL.	
	Examiner KARLA MOORE	Art Unit 1716	

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

THE REPLY FILED 28 January 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:
   a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
   b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

   Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
   (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
   (b) ☐ They raise the issue of new matter (see NOTE below);
   (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
   (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

   NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).
4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
   The status of the claim(s) is (or will be) as follows:
   Claim(s) allowed: _____.
   Claim(s) objected to: _____.
   Claim(s) rejected: *1,4-10 and 29-33*.
   Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/Karla Moore/
Primary Examiner, Art Unit 1716

Continuation of 11. does NOT place the application in condition for allowance because:

In response to Applicant's arguments that the fluorine containing gas is selected from the group consisting of NF3, among others, Examiner does not argue that Han does not disclose that NF3 may be used, rather argues that NF3 is one of a list of compounds from which the fluorine containing gas may be chosen. Examiner points out that the key words here are "among others". Han clearly states that the fluorine containing gas may be selected from the group consisting of: CxHyFz, F2, SF6, CF4 or CHF3. See, for example, as Applicant points out, column 3, rows 44-50. In response to Applicant's arguments that the hydrogen bearing gas disclosed in Han can include nitrogen, Examiner does not argue that this is false. Instead, Examiner points out that the key word here is "can". Thus, the hydrogen forming gas in Han does not necessarily include nitrogen. Rather, Han clearly states that the hydrogen bearing gas may be selected from the group consisting of: HYDROCARBON (emphasis added), HYDROFLUOROCARBONS (emphasis added), HYDROGEN GAS (emphasis added), or a hydrogen gas mixture. See, for example, column 3, rows 51-53. Regarding Applicant's arguments that neither Kinnard, Ramaswamy, Moran or Han disclose or even suggest "an plasma ashing apparatus that comprises, inter alia, a primary exhaust conduit in fluid communication with the process chamber for receiving a continuous flow of effluent therefrom, the primary exhaust conduit having an inlet centrally disposed in a bottom wall of the process chamber and a further having a substantially straight shape free of any sharp corners leading to an outlet, wherein the primary exhaust conduit is aligned with the first plasma generating component", Examiner points out that one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See In re Keller, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); In re Merck & Co., 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). This point is also relevant to Applicant's arguments regarding, Minami, Davis, Scmitt and Rose, which are relied upon to supplement the teachings of the aforementioned relied upon prior art in rejecting claims 4, 6, 8 and 29 and 33. For the above reasons, Applicant's arguments are unpersuasive and the final rejection of the pending claims is therefore maintained.

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20 CHURCH STREET
22ND FLOOR
HARTFORD, CT 06103

MAILED
JUN 22 2010
OFFICE OF PETITIONS

In re Application of	:	
Aseem Kumar Srivastava et al	:	
Application No. 10/249,964	:	ON PETITION
Filed: May 22, 2003	:	
Attorney Docket No. 03-CCS-004	:	

This is a decision on the renewed petition under the unintentional provisions of 37 CFR 1.137(b), filed May 12, 2010, to revive the above-identified application.

The petition is **GRANTED.**

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810 the submission required by 37 CFR 1.114; (2) the petition fee of $1620 and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1792 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment filed January 28, 2010 submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

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JOEL BAIR
MCGARRY BAIR LLP
171 MONROE AVE. N.W. STE 600
GRAND RAPIDS, MI 49503

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APR 28 2006
OFFICE OF PETITIONS

In re Application of	:	
Regis Adjamah	:	
Application No. 10/249,984	:	DECISION ON PETITION
Filed: May 23, 2003	:	TO WITHDRAW
Attorney Docket No. 71522-7	:	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 7, 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 October 7, 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: Motorola Inc. / Randy Vaas
6000 North US Highway
Room AN475
Libertyville, IL 60048

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
Alexandria, VA 22313-1450
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August 23, 2006

FILE COPY

Patent No. : 6,832,598 B2
Ser. No. : 10/249985
Inventor(s) : Isoda, et al.
Issued : December 21, 2004
Title : **ANTI-KNOCKING DEVICE AN METHOD**
Docket No. : SIMTEK6647

Request for Certificate of Correction:

Receipt is acknowledged of your request for the issuance of a certificate of correction dated **August 13, 2006** for the above-identified patent.

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent.

Respecting the alleged errors in the specification cannot be properly identified without a Certificate of Correction form 1050 identifying the proper columns and lines of each error in the patent. Therefore, no correction(s) is in order here under United States Codes (U.S.C.) 254 Code of Federal Regulation (C.F.R.) 1.322/1.323.

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

Further consideration will be given upon receipt of a Request for Reconsideration, which should be directed to Decisions and Certificate of Correction Branch. Requests for Reconsideration should be accompanied by additional support (e.g. copy of amendments, post card receipts. PTOL 1449 OR 892,etc.), containing requested data or changes) and /or brief statements of facts, as requested.

Elisha Evans for
Cecelia Newman, Supervisor
Decisions and Certificates of Correction
(703) 308-9390 ext. 110

ERNEST A. BEUTLER, ATTORNEY AT LAW
10 RUE MARSEILLE
NEWPORT BEACH CA 92660

CBN/eme

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ERNEST A. BEUTLER, ATTORNEY AT LAW
10 RUE MARSEILLE
NEWPORT BEACH, CA 92660

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APR 15 2005

OFFICE OF PETITIONS

In re Application of :
Isoda et al. :
Application No. 10/249,987 :
Filed: May 23, 2003 : ON PETITION
For: EXHAUST TIMING CONTROLLER FOR :
TWO-STROKE ENGINE :

~~In re Application of~~ :
~~Isoda et al.~~ :
~~Application No. 10/470,650~~ :
~~Filed: September 8, 2003~~ :
~~For: OIL CONTROL DEVICE FOR~~ :
~~TWO-STROKE ENGINE~~ :

This is a decision on the Petition for Entry of Substitute Application and Correction of Filing Date, filed April 27, 2004, requesting that a nonprovisional application entitled "OIL CONTROL DEVICE FOR TWO-STROKE ENGINE" be assigned an application number and accorded a filing date of September 8, 2003.

The petition identifies the application, putativly filed on September 8, 2003, as a companion application filed concurrently with application 10/249,987, filed May 23, 2003. The original application papers, putativly filed on September 8, 2003, have been located in the file of prior application No. 10/249,987, and have been assigned application No. 10/470,650.

A review of the application papers reveal that the filing date accorded the application papers in the prior application is the date the application papers were received in this Office, September 8, 2003. It is noted that the application papers do not contain a certificate of express mailing; accordingly, the date of receipt of the application papers is the filing date that will be accorded the application. See, 37 CFR §§ 1.6 and 1.10.

The application papers will be placed into application No. 10/470,650 and accorded a filing date of September 8, 2003. A copy of the present petition will be retained in application No. 10/249,987 to complete the record therein. All further correspondence concerning the application should be directed to application No. 10/470,650, not application No. 10/249,987.

The original papers filed on September 8, 2003, will be used for examination purposes.

Accordingly, the petition is granted.

No petition fee has been charged, and none is due.

It is also noted that application serial number 10/249,987, contains a declaration/power of attorney listing the invention as "OIL CONTROL DEVICE FOR TWO-STROKE ENGINE". Also, the Electronic Filing System ("EFS) Data Electronic Patent Application Submission (Application Transmittal), and the Application Date Sheet, identify the application as "OIL CONTROL DEVICE FOR TWO-STROKE ENGINE".

Accordingly, Applicant must file an oath/declaration in application serial number 10/249,987 (EXHAUST TIMING CONTROLLER FOR TWO-STROKE ENGINE) (along with the late filing fee oath or declaration surcharge).

The Office of Initial Patent Examination is directed to accord application No. Application No. 10/470,650 a filing date of September 8, 2003, using the application papers submitted on September 8, 2003, and to mail a filing receipt.

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

Derek L. Woods
Petitions Attorney
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION 10/249,988

Paper No.: _____

DATE 2/8/06

TO SPE OF : ART UNIT 3747

SUBJECT : Request for Certificate of Correction on Patent No.: 6,892,702

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

Please complete this form and return with file, within 7 days to:
Palm location 7580, **Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Lamonte M. Newsome

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-305-8309

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

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

Comments:

Henry C. Yuen
Supervisory Patent Examiner
Group 3700

SPE

3747
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/249,994	05/26/2003	Kuang-Jung Chen	TOPP0005USA	2647

27765 7590 09/16/2004

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD, VA 22116

EXAMINER
SEFER, AHMED N

ART UNIT	PAPER NUMBER
2826	

DATE MAILED: 09/16/2004

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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Paper No. 081604

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

AUG 25 2004

In re Application of:	:	
SHYE-LIN WU *et al.*	:	
Serial No.: 10/249,994	:	DECISION ON REQUEST TO WITHDRAW
Filed: May 26, 2003	:	FROM RECORD
Attorney Docket No.: **TOPP0005USA**	:	

This is a decision on the request to withdraw as attorney/agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Edward Westin at (571) 272-1638.

Edward Westin

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

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AUG 24 2004

Paper No. 080204

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

In re Application of:	:	
SHYE-LIN WU	:	
Serial No.: 10/250,009	:	DECISION ON REQUEST TO WITHDRAW
Filed: May 28, 2003	:	FROM RECORD
Attorney Docket No.: **ACMP0043USA0**	:	

This is a decision on the request to withdraw as attorney of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself. There is at least thirty (30) days remaining 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.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Jose G. Dees at (571) 272-1569.

Jose G. Dees, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No. 111203

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GROUP

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

In re Application of	:	
Chi-Jain Wen et al.	:	DECISION ON PETITION
Application No. 10/250,018	:	
Filed: May 29, 2003	:	
Attorney Docket No. TOPP0017USA	:	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to the examiner for examination.

Jose G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No. 5

DARYL MEYER
ENVIRO PURE INC.
2523 SCHEID ROAD
HURON, OH 44839

COPY MAILED

APR 0 6 2005

OFFICE OF PETITIONS

In re Application of	:	
Daryl Meyer	:	
Application No. 10/250,048	:	DECISION
Filed: May 30, 2003	:	ON PETITION
Title: QUATREPOLYMER TABLET	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNAVOIDABLY UNDER 37 CFR 1.137(a) filed September 20, 2004.

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. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 C.F.R. § 1.137(a)" or "Renewed Petition under 37 C.F.R. § 1.137(b)," as appropriate. Extensions of time under § 1.136(a) are permitted.

The above-identified application became abandoned for failure to timely file a response to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed June 9, 2003. This Notice set a two-month time limit for response, with extensions of time obtainable under § 1.136(a). No extensions of time having been obtained and no reply filed, the application became abandoned effective August 10, 2003. A courtesy Notice of Abandonment was mailed on August 25, 2004.

In response, applicant promptly filed the instant petition. Petitioner states that the instant application is a continuation-in-part of patent application No. 10/064,991, filed on September 6, 2002. Petitioner states that the unavoidable delay was due to not receiving a response on the original patent filing from the examiner until October 30, 2003.

STATUTES, RULES AND REGULATIONS

35 U.S.C. 133 provides that:

> 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.
>
> (Amended Nov. 29, 1999, Public Law 106-113, sec. 1000(a)(9), 113 Stat. 1501A-582 (S. 1948 sec. 4732(a)(10)(A)).)

A grantable petition to revive an unavoidably abandoned application under 37 C.F.R. § 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR § 1.17(l); (3) a showing to the satisfaction of the Director that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable; and (4) any terminal disclaimer (and fee as set forth in § 1.20(d)) required pursuant to § 1.137(d). Requirement (3) is at issue in this case.

The burden of showing the cause of the delay is on the person seeking to revive the application. Smith v. Mossinghoff, 671 F.2d 533, 538, 213 U.S.P.Q. 977, 982 (D.C. Cir. 1982). Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the "reasonably prudent person standard" in determining if the delay was unavoidable:

> The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.

In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith, 671 F.2d at 538, 213 U.S.P.Q. at 982. Nonetheless, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines, 673 F. Supp. at 316-17, 5 U.S.P.Q.2d at 1131-32.

Petitioner has failed to meet his or her burden of establishing that the delay in filing a reply was "unavoidable." The phrase "unless the petition is filed under [35 U.S.C.] 133 or 151" signifies that petitions to revive filed on the basis of "unavoidable" delay (under 35 U.S.C. 133 or 151) are a subset of petitions to revive filed on the basis of unintentional delay. That is, "unavoidable" delay and "unintentional" delay are not alternatives; "unavoidable" delay is the epitome of "unintentional" delay. Any petition to revive an abandoned application or lapsed patent must meet the minimal "unintentional" delay threshold.

Furthermore, the legislative history of Public Law 97-247, § 3, 96 Stat. 317 (1982), reveals that the purpose of 35 U.S.C. 41(a)(7), the unintentional delay statute, 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 [the requisite fee] 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." H.R. Rep. No. 542, 97th Cong., 2d Sess. 6-7 (1982), reprinted in 1982 U.S.C.C.A.N. 770-71. Thus, a delay resulting from a deliberately chosen course of action on the part of the applicant is not an "unintentional" delay within the meaning of 37 CFR 1.137(b). Moreover, as a petition to revive under 1.137(a) based on unavoidable delay must meet the minimal "unintentional" delay threshold, a delay resulting from a deliberately chosen course of action on the part of applicant cannot met the burden of establishing unavoidable delay within the meaning of 37 CFR 1.137(a).

For example, where the applicant deliberately permits an application to become abandoned (e.g., due to a conclusion that the claims are unpatentable, that a rejection in an Office action cannot be overcome, or that the invention lacks sufficient commercial value to justify continued prosecution), the abandonment of such application is considered to be a deliberately chosen course of action, and the resulting delay cannot be considered as "unintentional" within the meaning of 37 CFR 1.137(b). See In re Application of G, 11 USPQ2d 1378, 1380 (Comm'r Pat. 1989). An intentional course of action is not rendered unintentional when, upon reconsideration, the applicant changes his or her mind as to the course of action that should have been taken. See In re Maldague, 10 USPQ2d 1477, 1478 (Comm'r Pat. 1988). A delay resulting from a deliberately chosen course of action on the part of the applicant does not become an "unintentional" delay within the meaning of 37 CFR 1.137(b) because:

(A) the applicant does not consider the claims to be patentable over the references relied upon in an outstanding Office action;

(B) the applicant does not consider the allowed or patentable claims to be of sufficient breadth or scope to justify the financial expense of obtaining a patent;

(C) the applicant does not consider any patent to be of sufficient value to justify the financial expense of

obtaining the patent;

(D) the applicant does not consider any patent to be of sufficient value to maintain an interest in obtaining the patent; or

(E) the applicant remains interested in eventually obtaining a patent, but simply seeks to defer patent fees and patent prosecution expenses.

Likewise, a change in circumstances that occurred subsequent to the abandonment of an application does not render "unintentional" the delay resulting from a previous deliberate decision to permit an application to be abandoned.

Applicant, acting in a *pro se* capacity, has provided an explanation for the delay. However, this explanation raises a question as to whether there was a deliberate decision to permit this application to become abandoned. Accordingly, it is requested that petitioner clarify whether the "entire delay in filing the required reply to the NOTICE TO FILE CORRECTED APPLICATION PAPERS from the due date for the reply to the filing of a grantable petition pursuant to this paragraph was unintentional." Specifically, was the filing of the abstract delayed due to any of the factors discussed above or on any other basis that could similarly be considered "intentional?"

Even if upon reconsideration, it is determined that petitioner has met the threshold showing that the delay was unintentional, the evidence of record does not support a conclusion that petitioner has met his burden of establishing that the delay was unavoidable within the meaning of 1.137(a). It is well-established that a delay is not "unavoidable" when the applicant simply permits the maximum extendable statutory period for reply to a final Office action to expire while awaiting a notice of allowance or other action. (Delay resulting from the lack of knowledge or improper application of the patent statute, rules of practice or the MPEP, however, does not constitute "unavoidable" delay. See Haines, 673 F. Supp. at 317, 5 USPQ2d at 1132; 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)). Likewise, petitioner's failure to file an abstract while awaiting action on another application is not unavoidable. Petitioner should note that such a delay is

not rendered "unavoidable" due to: (A) the applicant's reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicant of any deficiency in sufficient time to permit the applicant to take corrective action. See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

It is further noted that petitioner's explanation does not account for the delay in responding once the response on the original patent filing was received in October of 2003.

Nonetheless, petitioner may be able to obtain relief by filing a request for reconsideration pursuant to 37 C.F.R. § 1.137(b) on the basis of unintentional delay. Of course, petitioner's additional response regarding whether the decision not to file the abstract was intentional will also be considered on petition under § 1.137(b). A grantable petition under § 1.137(b) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 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; and (4) any terminal disclaimer (and fee as set forth in §1.20(d)) required pursuant to § 1.137(d).

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

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

By FAX: (703) 872-9306
ATTN: NANCY JOHNSON
SENIOR PETITIONS ATTORNEY

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

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 8

DARYL MEYER
ENVIRO PURE INC.
2523 SCHEID ROAD
HURON, OH 44839

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JUN 2 0 2005
OFFICE OF PETITIONS

In re Application of	:	
Daryl Meyer	:	
Application No. 10/250,048	:	DECISION
Filed: May 30, 2003	:	ON PETITION
Title: QUATREPOLYMER TABLET	:	

This is a decision on the PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b) filed June 6, 2005.

The petition is **GRANTED**.

The above-identified application became abandoned for failure to timely file a response to the NOTICE TO FILE CORRECTED APPLICATION PAPERS mailed June 9, 2003. This Notice set a two-month time limit for response, with extensions of time obtainable under § 1.136(a). No extensions of time having been obtained and no reply filed, the application became abandoned effective August 10, 2003. A courtesy Notice of Abandonment was mailed on August 25, 2004.

In response, applicant promptly filed a petition under § 1.137(a) based on unavoidable delay. However, by decision mailed April 6, 2005, the petition was dismissed because applicant failed to meet his burden of establishing unavoidable delay.

On instant petition, *pro se* applicant submitted the petition fee under § 1.17(m) and asserted that the "entire delay in filing the required reply was unintentional" within the meaning of 1.137(b)(4). The prior petition filed September 20, 2004, included a Response to the Notice to File Corrected Application Papers. It is concluded that petitioner has now met all requirements for a grantable petition under § 1.137(b).

The application file is being forwarded to the Office of Initial Patent Examination (OIPE) for consideration of the response submitted September 20, 2004.

Telephone inquiries related to this decision may be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Pet. Dec. 173!

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OIPE JC139
AUG 1 8 2003
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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Shye-Lin Wu	Examiner:	
Filing Date:	2003/6/2	Art Unit:	
App. No.:	10/250,058	Docket No.:	INDP0009USA4

Title: Method for manufacturing a filter capable of trapping carcinogens and toxic chemicals

To: Assistant Commissioner for Patents
P.O.BOX 1450
Alexandria, VA 22313-1450

Subject: Request for withdrawal as agent

Dear Sir or Madame:

I hereby apply to withdraw as agent for the above identified patent/patent application. The reason for this request is that I am leaving my current office of employment to attend law school.

Although I am requesting to withdraw from the above patent/patent application, Winston Hsu, agent registration No. 41,526, will continue to serve as the primary agent of record for this case. **This request for withdraw *does not affect* the status of Mr. Hsu as the principle agent of record for the above-identified case.** Consequently, the correspondence address is NOT affected by this withdrawal. Furthermore, as Mr. Hsu will continue acting as the agent of record, my withdrawing from this case will not affect the client's ability to obtain timely representation. Mr. Hsu, as my employer, has agreed to my withdrawal and will continue handling all aspects of this case. I therefore believe in good faith that the USPTO should find this request for withdrawal acceptable.

Sincerely yours,

Mord Michael Lewis

Date: 7/18/2003

Mord Michael Lewis, Patent Agent No.50,478

Approved
JMStone
Jacqueline M. Stone, Director
Technology Center 1700

JUN 29 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

AUG 24 2004

CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

In re Application of	:
Jan van de Broek et al	:
Serial No.: 10/250,067	: PETITION DECISION
Filed: June 2, 2003	:
Attorney Docket No.: 08CL5895-1	:

This is a response to the petitions under 37 CFR 1.59(b), filed July 12, 2004, to expunge information from the above identified application. This application has been examined.

Petitioner requests that a document submitted July 12, 2004, as a Proprietary Information Disclosure Statement be expunged from the record. Petitioner states either: (A) that the information contains trade secret material, proprietary material and/or material that is subject to a protective order which has not been made public; or (B) that the information submitted was unintentionally submitted and the failure to obtain its return would cause irreparable harm to the party who submitted the information or to the party in interest on whose behalf the information was submitted, and the information has not otherwise been made public. The petition fee set forth in 37 CFR 1.17(h) has been paid.

This is an examined application. As such the information provided has been reviewed. As stated in M.P.E.P. 724, upon allowance or other action closing prosecution in an application petition may be made for return of Proprietary Information Disclosure Statements. This application has not been allowed.

The petition is **DISMISSED**. Applicants may resubmit the petition subsequent to a Notice of Allowability or *ex parte Quayle* action being mailed in the application. No additional petition fee will be required at that time.

Should there be any questions with respect to this decision, please contact William R. Dixon, Jr., by mail addressed to: Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission at general Office facsimile number, 703-872-9306.

Bruce M. Kisliuk
Director, Technology Center 1600

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VEDDER PRICE KAUFMAN & KAMMHOLZ
222 N. LASALLE STREET
CHICAGO, IL 60601

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FEB 03 2005

OFFICE OF PETITIONS

In re Application of :
John R. Rice :
Application No. 10/250,079 :
Filed: June 2, 2003 :
Attorney Docket No. 35243.00.0006 :

ON PETITION

This is a decision on the petition, filed January 28, 2005, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on January 10, 2005, in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance. [1]

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

The application is being referred to Technology Center AU 3641 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).

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Alexandria, VA 22313-1450
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ZIOLKOWSKI PATENT SOLUTIONS GROUP, SC (ITW)
14135 NORTH CEDARBURG ROAD
MEQUON, WI 53097

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OFFICE OF PETITIONS

In re Application of Moran et al. :
Application No. 10/250,108 :
Filing Date: June 4, 2003 :
Attorney Docket No. ITW7510.059 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.181, filed April 4, 2006, to withdraw the holding of abandonment.

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 July 26, 2005, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on October 27, 2005. A Notice of Abandonment was mailed on March 14, 2006.

Petitioner contends and has established the issue fee and publication fee were timely submitted.

The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The Office of Publications will be informed of the instant decision and will issue the application as a patent in due course.

Telephone inquiries regarding this communication should be directed to Petitions Attorney Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. BOX 1450
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Paper No. 111203

NAIPO (North America International Patent Office)
P.O. Box 506
Merrifield, VA 22116

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OFFICE OF DIRECTOR
GROUP

In re Application of	)	
Gwo-Long Lin et al..	)	DECISION ON PETITION
Application No. 10/250,122	)	
Filed: June 5, 2003	)	
Attorney Docket No. TOPP0013USA	)	

This is a decision on the request to withdraw as agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

The request is APPROVED.

The request was signed by Mord Michael Lewis on his behalf.

The correspondence address of record remains unchanged.

The application file is being returned to the examiner for examination.

José G. Dees, Special Program Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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P.O. BOX 1450
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Paper No. 03

MARCUS P. HOGUE
1982 BOTTLEBRUSH DR.
MELBOURNE FL 32935

MAR 18 2004

In re Application of:	:	
MARCUS P. HOGUE	:	
Application No. 10/250,129	:	DECISION ON PETITION
Filed: June 05, 2003	:	TO MAKE SPECIAL
For: CONTROLLING SPECULARITY OF LUMINAIRE AND OTHER REFLECTORS TO OPTIMIZE THEIR OPTICAL PERFORMANCE.	:	

This is a decision on the petition under 37 C.F.R. § 1.102, filed June 05, 2003, to make the above-identified application special.

Petitioner requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.) § 708.02, Section IV: Applicant's Age.

A grantable petition to make special under 37 C.F.R. § 1.102 and in accordance with M.P.E.P. § 708.02, Section IV, must include evidence showing that the applicant is sixty-five (65) years of age or more. No fee is required for this petition.

The petition includes Mr. Hogue's Birth Certificate as a showing that applicant 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 s/he should make a rigid search for such, s/he is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, s/he should consider such application simultaneously with this application and should state in the official letter of such application that s/he is taking it out of its turn because of possible interference.

Should an appeal be taken in this application or should this application become involved in an interference, consideration of the appeal and the interference will be expedited by all Patent and Trademark Office officials concerned, contingent likewise upon diligent prosecution by the applicant.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

The petition is granted to the extent indicated.

Inquires regarding this decision should be directed to Lissi Mojica Marquis at (571)272-1596.

Lissi Mojica Marquis, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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P.O. Box 1450
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EDWARD YOO C/O BENNETT JONES
1000 ATCO CENTRE
10035 - 105 STREET
EDMONTON, ALBERTA AB T5J3T-2 CA CANAD

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OFFICE OF PETITIONS

In re Application of	:	
Birss et al.	:	
Application No. 10/250,135	:	ON PETITION
Filed: June 5, 2003	:	
Attorney Docket No. 45075.44	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed March 22, 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 Request for Continued Examination (RCE); (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 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) 272-3206.

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
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Paper No. 052404

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. Box 506
Merrifield, VA 22116

JUN - 2 2004

In re Application of:	:	
CHENG *et al.*	:	
Serial No.: 10/250,141	:	DECISION ON REQUEST TO WITHDRAW FROM RECORD
Filed: June 06, 2003	:	
Attorney Docket No.: **ACMP0088USA**	:	

This is a decision on the request to withdraw as attorney/agent of record under 37 C.F.R. § 1.36, filed August 18, 2003.

A grantable request to withdraw as attorney of record must be signed by every attorney seeking to withdraw or contain a clear indication that one attorney is signing on behalf of others. A request to withdraw will not be approved unless at least thirty (30) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period, which can be extended under 37 C.F.R. § 1.136(a).

The request meets all the above stated requirements. The request was signed by Mord Michael Lewis on behalf of himself.

The request is **APPROVED**.

Winston Hsu remains as attorney of record at this time.

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

Inquiries related to this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Rick West :
Application No. 10/250,145 :
Filed: June 6, 2003 :
Attorney Docket No. N/A :

This is a decision on the petition under 37 C.F.R. 1.137(b), filed September 23, 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 application became abandoned for failure to timely reply within three months to the non-final Office action mailed October 25, 2004. Accordingly, this application became abandoned on January 26, 2005. A Notice of Abandonment was mailed on August 24, 2005.

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

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

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was

unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

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

The instant petition does not satisfy requirements (1) and (3), above.

The required reply has not been submitted. The Notice of Non-Compliant amendment, mailed December 9, 2004 lists the following problems with the amendment filed November 4, 2004:

"Amdt Not Signed and Money Due For Extra Claim 2 indep."

The amendment should be signed by the applicant and resubmitted. Furthermore, the $200.00 fee for 2 independent claims (small entity) has not been submitted. Petitioner has submitted $140.00, however, an additional $60.00 is required.

Furthermore, the petition is signed by Will Whalen. Will Whalen is not a named inventor, nor does he appear to be a registered practitioner. As such, the petition cannot be accepted as he does not appear to be someone who can make the required statement 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
Box 1450
Alexandria, VA 22313

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of :
Rick West :
Application No. 10/250,145 :
Filed: June 6, 2003 :
Attorney Docket No. N/A :

ON PETITION

This is a decision on the renewed petition under 37 C.F.R. 1.137(b), filed January 20, 2006 and January 23, 2006, to revive the above identified application.

The petition is dismissed.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(b)."

This application became abandoned for failure to timely file a proper reply within three months to the non-final Office action mailed October 25, 2004. Accordingly, this application became abandoned on January 26, 2005. A Notice of Abandonment was mailed on August 24, 2005.

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

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

(2) the petition fee as set forth in 37 CFR 1.17(m);

(3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was

unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and

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

The instant petition does not satisfy requirements (1) and (3), above.

The required reply has not been submitted.

Petitioner states:

> "The USPTO issued a Notice of Non-Compliant Amendment on 12/09/2004 for the amendment filed on 11/04/2004. The notice was issued because the Legal Instruments Examiner (LIE) had determined that the Amendment was not signed and there was money due for extra claims. The first reason was incorrect. The amendment was signed. In a phone conversation with the LIE on January 12, 2005, It was pointed out that it was indeed signed. The response was "You are right. It is okay. But I still needed to pay the money for the extra claims." The LIE then calculated the amount that was due and I paid it that day. I thought that everything was now good to go and the amendment would be reviewed. I next received the abandonment for failure to reply on 8/24/2005."

If petitioner contends the Notice of Non-Compliant Amendment, mailed December 9, 2004, was in error, and the amendment filed November 4, 2004 was proper, petitioner should submit a petition under 37 CFR 1.181, requesting substantive review of the Notice of Non-Compliant Amendment by Technology Center 2800. There is no fee for such a petition.

However, as the record currently indicates, the Notice of Non-Compliant Amendment, mailed December 9, 2004 lists the following problems with the amendment filed November 4, 2004:

> "Amdt Not Signed and Money Due For Extra Claim 2 indep."

As such, the amendment should be signed by the applicant and resubmitted. Furthermore, the $200.00 fee for 2 independent claims (small entity), <u>as listed on the Notice of Non-Compliant Amendment</u>, has not been submitted. Petitioner has submitted $140.00, however, an additional $60.00 is required.

Furthermore, a statement signed by the appropriate party 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" has not been submitted.

Further correspondence with respect to the instant petition to revive under 37 CFR 1.137(b) should be addressed as follows:

By mail: Mail Stop Petition
Commissioner for Patents
Box 1450
Alexandria, VA 22313

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

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

Telephone inquiries should be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
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

DISTRIBUTED POWER
3547-C South Higuera St.
San Luis Obispo, CA 93401

JUN 29 2006

In re Application of:
Rick West
Serial No.: 10/250,145
Filed: June 06, 2003
For: **DEVICE AND METHOD FOR ELIMINATING TRANSFORMER EXCITATION LOSSES**

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on petition filed February 17, 2006, under 37 C.F.R. § 1.181, to reconsider the previous petition decision mailed February 02, 2006, and to withdraw the holding of abandonment in the above-identified application under. No fee is required.

The petition is **GRANTED.**

The application was held abandoned for failure to respond to a Notice of Non-Compliant Amendment mailed on December 09, 2004. A Notice of Abandonment was mailed on August 24, 2005.

This petition, and the accompanying documents correct the deficiencies noted on the second page of the previous petition decision.

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.

Richard K. Seidel, Director
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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
www.uspto.gov

SCHNEIDER ELECTRIC / SQUARE D COMPANY
LEGAL DEPT. - I.P. GROUP (NP)
1415 S. ROSELLE ROAD
PALATINE, IL 60067

Mail Date: 04/21/2010

Applicant	: Rick West	: DECISION ON REQUEST FOR
Patent Number	: 7646275	: RECALCULATION of PATENT
Issue Date	: 01/12/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/250,145	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/06/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **557** 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

MAR 09 2005

Simmons, Perrine, Albright & Ellwood, P.L.L.C.
Third Floor Tower Place
22 South Linn Street
Iowa City, IA 52240

Paper No. 9

In re Application of Rick Pruter Serial No. : 10/250,149 Filed : June 6, 2003 For : Method and Apparatus for Guiding Needles	: DECISION ON PETITION : TO WITHDRAW : HOLDING OF : ABANDONMENT

This is a decision on petitioner's request filed September 22, 2004, to review the holding of abandonment mailed September 7, 2004 for failure to respond to the Office action mailed December 31, 2003. There is no fee required for this petition.

In support of the request, petitioner has submitted a copy of a response that included an amendment, a one-month extension of time request, a terminal disclaimer, and a Certificate of Transmission under 37 CFR 1.8, all bearing a certificate of facsimile transmission dated April 22, 2004. Petitioner has also included a copy of the Auto-Reply Facsimile Transmission from the Patent Office confirming the successful transmission of the papers in question on April 22, 2004.

In view of the above, the Notice of Abandonment mailed September 7, 2004 is in error and is hereby vacated. The holding of abandonment is withdrawn. Upon the mailing of this decision, the application will be forwarded to the Examiner via the Legal Instruments Examiner for entry and consideration of the response filed April 22, 2004.

Summary: Holding of Abandonment Withdrawn.

Richard A. Bertsch

Richard A. Bertsch, Director
Technology Center 3700
Phone: (571 272-3750

ak/02/25/05

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 4

MAIL

JAN 3 0 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

Application No. 10/250,155

Filed: 6/9/03

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The Request to Withdraw as Attorney is **DISMISSED AS MOOT**.

The requester, Mr. Michael Mord Lewis, is not of record.

All future correspondence 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 Technology Center 2600 central files to await action by the examiner in due course.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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UNITED STATES PATENT AND TRADEMARK OFFICE
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MAR 2 9 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL
PATENT OFFICE)
P.O. BOX506
MERRIFIELD, VA 22116

In re Application of :
Chiueh, et al. :
Application No. 10/250,174 :
Filed: June 10, 2003 :
For: ADAPTIVE FILTER WITH GSPT LMS :
ALGORITHM FOR REDUCING COMPLEXITY :

DECISION ON REQUEST TO
WITHDRAW FROM RECORD

This is a decision on the request for withdrawal as agent of record filed on August 18, 2003.

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

Petitioner has satisfied the requirements for successfully requesting withdrawal. Accordingly, *the request is* ***granted.***

It is noted that Winston Hsu will continue as an attorney of record.

All future correspondence will continue to be addressed to the above-listed address.

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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CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD CT 06002

COPY MAILED

MAR 13 2007

OFFICE OF PETITIONS

In re Application of	:
Johannes G.M. Matthijssen et al.	:
Application No. 10/250,178	: DECISION ON PETITION
Filed: June 10, 2003	: UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 130265-4	:

This is a decision on the petition filed May 17, 2006, under 37 CFR 1.78(a)(3) to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior-filed non-provisional applications.

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 claims for priority under 35 U.S.C. § 120 are accepted as being unintentionally delayed.

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 this application is entitled to the benefit of the prior-filed applications. In order

for this 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 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 Patricia Faison-Ball at (571) 272-3212. All other inquiries concerning either the examination procedures or status of the application should be directed to the Technology Center.

This application is being forwarded to Technology Center Art Unit 1714 for consideration by the examiner of applicant's entitlement to claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications.

Nancy Johnson for
Ira Lazarus
Supervisory 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
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APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/250,178	06/10/2003	1714	906	130265-4	24	4

CONFIRMATION NO. 2831

CORRECTED FILING RECEIPT

OC000000022874153

23413
CANTOR COLBURN, LLP
55 GRIFFIN ROAD SOUTH
BLOOMFIELD, CT 06002

Date Mailed: 03/13/2007

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)

Johannes G.M. Matthijssen, Wouw, NETHERLANDS;
Sai-Pei Ting, Slingerlands, NY;

Assignment For Published Patent Application

GENERAL ELECTRIC COMPANY, Schenectady,, NY

Power of Attorney: The patent practitioners associated with Customer Number **023413**.

Domestic Priority data as claimed by applicant

This application is a CIP of 10/249,929 05/20/2003 ABN
which is a CON of 10/064,321 07/02/2002 PAT 6,593,411
which is a CON of 09/438,998 11/12/1999 PAT 6,469,093 *
(*)Data provided by applicant is not consistent with PTO records.

Foreign Applications

If Required, Foreign Filing License Granted: 06/18/2003

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/250,178

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

MOLDED, FILLED POLYMER COMPOSITIONS WITH REDUCED SPLAY AND A METHOD OF MAKING

Preliminary Class

524

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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OFFICE OF PETITIONS

SMITH, GAMBRELL & RUSSELL, LLP
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3592

In re Application of
Peeter Todd Mannik, Stephen Andrew Hyser, Garland Todd Headrick, David Hansel Whitley, Kristopher Derek Hutchinson, James Edwin Harris III and Robert Bruno Mignone.
Application No.10/250,179
Filed: June 10, 2003
Attorney Docket No.044110.008
Title of Invention: SYSTEM AND METHOD FOR USING INTERACTIVE ELECTRONIC REPRESENTATIONS OF OBJECTS

DECISION REFUSING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR § 1.47(a), filed September 29, 2003 (certificate of mailing date September 26, 2003).

The petition under 37 CFR. § 1.47(a) is **DISMISSED**.

Rule 47 applicant is given TWO MONTHS from the mailing date of this decision to reply, correcting the below-noted deficiencies. Any reply should be entitled "Request for Reconsideration of Petition Under 37 CFR. § 1.47(a)," and should only address the deficiencies noted below, except that the reply may include an oath or declaration executed by the non-signing inventor. **Failure to respond will result in abandonment of the application**. Any extensions of time will be governed by 37 CFR. §1.136(a).

The above-identified application was filed on June 10, 2003, without an executed oath or declaration. Accordingly, on June 25, 2003, applicant was mailed a "Notice to File Missing Parts of Nonprovisional Application - Filing Date Granted," requiring for the purposes of this decision, an executed oath or declaration in compliance with § 1.63, and a surcharge for its late filing. This Notice set an extendable two-month period for reply of August 25, 2003.

In reply, applicant filed a petition, the surcharge for late filing of the declaration, and a partially executed declaration. A response to the Notice was required by August 25, 2003. In order for the petition to be considered timely a one month extension of time fee is required. However, a review of the record indicates petitioner has neither provided a deposit account authorization for extension of time nor has petitioner provided a general authorization statement. The petition is **DISMISSED** as untimely. Accordingly, the Petition has not been reviewed on its merits. The last day of the extendable period to respond to the Notice to File Missing Parts is January 25, 2004, with the appropriate extension of time fee.

It is also noted that within the Notice to File Missing Parts mailed on June 25, 2003, there was a Notice of Omitted Items. Specifically applicant was informed that figure 17C as described in the specification appeared to have been omitted. In response to the Notice of Omitted Item applicant could either: (I) promptly establish prior receipt in

the PTO of the items at issue (generally by way of a date-stamped postcard receipt (MPEP 503)), or (II) promptly submit the omitted items in a nonprovisional application and accept the date of such submission as the application filing date. An applicant asserting that the missing items were 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 items in a nonprovisional application and accept the date of such submission as the application filing date must file any omitted items with an oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items 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 of Omitted Items" (37 CFR 1.181(f)).

The Notice further stated failure to file a petition under options (I) or (II) within **two months** of the date of the Notice (6/25/2003) will be treated as constructive acceptance by the applicant of the application as deposited in the USPTO. A review of the record does not reflect the submission of either a petition or a copy of figure 17C. Thus, applicant maintains the filing date of June 25, 2003. The disclosure does not include figure 17C.

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 related to this decision may be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No. 6

SMITH, GAMBRELL & RUSSELL, LLP
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA, GA 30309-3592

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NOV 07 2003

OFFICE OF PETITIONS

In re Application of
Peeter Todd Mannik, Stephen Andrew Hyser, Garland Todd Headrick, David Hansel Whitley, Kristopher Derek Hutchinson, James Edwin Harris III and Robert Bruno Mignone.
Application No.10/250,179
Filed: June 10, 2003
Attorney Docket No.044110.008
Title of Invention: SYSTEM AND METHOD FOR USING INTERACTIVE ELECTRONIC REPRESENTATIONS OF OBJECTS

DECISION GRANTING STATUS UNDER 37 CFR 1.47(a)

This is in response to the petition under 37 CFR 1.47(a), filed September 29, 2003 (certificate of mailing September 26, 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 after having been presented with the application papers. The petition attest a copy of the application was sent to non-signing inventors' last known address. The non-signing inventors' failure to respond to the application mailing sufficiently establishes that inventors Harris and Headrick refuse to execute the application papers.

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

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

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

Telephone inquiries related to this decision may be directed to the undersigned at (703) 306-0251.

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

James Edwin Harris III
1583 Briarvista Way
Atlanta, Georgia 30329

In re Application of Peeter Todd Mannik, Stephen Andrew Hyser, Garland Todd Headrick, David Hansel Whitley, Kristopher Derek Hutchinson, James Edwin Harris III and Robert Bruno Mignone. Application No.10/250,179 Filed: June 10, 2003 Attorney Docket No.044110.008 Title of Invention: SYSTEM AND METHOD FOR USING INTERACTIVE ELECTRONIC REPRESENTATIONS OF OBJECTS	LETTER

COPY MAILED

NOV 0 7 2003

OFFICE OF PETITIONS

Dear Mr. Harris:

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 Petitions Attorney Charlema R. Grant at (703) 306-0251. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant
Petitions Attorney
Office of Petitions

Eric J. Hanson
SMITH, GAMBRELL & RUSSELL, LLP
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3592

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Garland Todd Headrick
3309 Hidden Trail Road, S.E.
Smyrna, Georgia 30082

In re Application of
Peeter Todd Mannik, Stephen Andrew Hyser,
Garland Todd Headrick, David Hansel
Whitley, Kristopher Derek Hutchinson, James
Edwin Harris III and Robert Bruno Mignone.
Application No.10/250,179
Filed: June 10, 2003
Attorney Docket No.044110.008
Title of Invention: SYSTEM AND METHOD
FOR USING INTERACTIVE ELECTRONIC
REPRESENTATIONS OF OBJECTS

LETTER

COPY MAILED

NOV 07 2003

OFFICE OF PETITIONS

Dear Mr. Headrick:

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 Petitions Attorney Charlema R. Grant at (703) 306-0251. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

Eric J. Hanson
SMITH, GAMBRELL & RUSSELL, LLP
SUITE 3100, PROMENADE II
1230 PEACHTREE STREET, N.E.
ATLANTA GA 30309-3592

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Commissioner for Patents
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Paper No. 10

Smith, Gambrell & Russell, LLP
Suite 3100, Promenade II
1230 Peachtree Street, N.E.
Atlanta, Georgia 30309-3592

MAILED

OCT 0 1 2004

Technology Center 2100

In re Application of: K. Hutchinson et al.	)	
Application No. 10/250,179	)	
Filed: June 10, 2003	)	DECISION ON PETITION TO
For: SYSTEM AND METHOD FOR	)	MAKE SPECIAL UNDER
USING INTERACTIVE	)	M.P.E.P. §708.02(II):
ELECTRONIC REPRESENTATIONS	)	INFRINGEMENT
OF OBJECTS	)	

This is a decision on the petition, filed November 5, 2003, 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 ©) 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

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SMITH, GAMBRELL & RUSSELL, LLP
1230 PEACHTREE STREET, N.E.
SUITE 3100, PROMENADE II
ATLANTA GA 30309-3592

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APR 28 2006
OFFICE OF PETITIONS

In re Application of	:	
Mannik et al.	:	
Application No. 10/250,179	:	DECISION ON PETITION
Filed: 10 June, 2003	:	
Atty Docket 044110.008CONT	:	

This is a decision on the renewed petition styled under 37 CFR 1.47(a) and filed on 27 March, 2006, which is treated as a petition under 37 CFR 1.183 seeking waiver of 37 CFR 1.131 in that it requires that a declaration filed thereunder by signed by all inventors.[1]

The petition is **granted**.

In view of the efforts recounted to obtained the signature of joint inventor Kristopher Derek Hutchinson, it is agreed that justice would be served by waiving the requirement for his signature on the declaration filed under 37 CFR 1.131.[2]

The aforementioned declaration under 37 CFR 1.131 has been accepted, on petition, and placed in the file.

It is noted that the fee for a petition under 37 CFR 1.183 is $400.00. Accordingly, the balance due has been charged to counsel's deposit account as authorized in the papers filed with the present petition.

The application is being referred to the Technology Center for further processing.

---

[1] Once an application has received a fully executed oath or declaration under 37 CFR 1.63 and been placed on the files for examination, the provisions of 37 CFR 1.47 no longer apply. See MPEP 603.

[2] As the application was previously accorded Rule 1.47(a) status with regards to joint inventors Garland Todd Headrick and James Edwin Harris, III, their signatures are not required on the affidavit under 37 CFR 1.131.

Telephone inquiries related to this decision should be directed to the undersigned at 571.272.3231.

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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April 2004

White Rodgers Div.
Emerson Electric Co.
9797 Reavis Rd.
St. Louis, MO 63123

APR - 7 2004

In re Application of	:	
John M. Bronson	:	DECISION ON PETITION
Application No.: 10/250,180	:	TO MAKE SPECIAL
Filing Date: June 10, 2003	:	
Attorney's Docket No.: WR-609	:	

This is a decision on the petition under 37 C.F.R. § 1.102(c) filed via facsimile transmission on February 4, 2004 requesting that the above identified application be granted special status and examined out of turn on the ground of "ENERGY" as set forth in M.P.E.P. § 708.02 VI. There is no fee for this petition.

The present invention detects the presence of a water leak from a gas water heater and automatically shuts off both the water supply and the natural gas supply to the water heater in response to the detection of the leak. Petitioner asserts that the inventive apparatus will "reduce energy consumption in combustion systems of household appliance water heaters, such that natural gas resources are conserved when these household appliances eventually fail."

Petitioner's assertion, when read in light of the invention, has been found to satisfy the "statement" provision of M.P.E.P. § 708.02 VI requiring an explanation as to how the invention materially contributes to the more efficient utilization and conservation of energy sources.

The petition is **granted**.

Edward Westin

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

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Paper No. 3

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

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SEP 10 2003

DIRECTOR'S OFFICE
TECHNOLOGY CENTER 2600

In re Application of :
CHI-FONG HO :
Application No. 10/250,183 :
Filed: June 10, 2003 :
For: **METHOD FOR SYNCHRONIZING A SECURITY START VALUE IN A WIRELESS COMMUNICATIONS NETWORK** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

/Dwayne D. Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

UNITED STATES PATENT AND TRADEMARK OFFICE

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FROM DIRECTORS OFFICE

JAN 24 2005

TECHNOLOGY CENTER 3600

U.S. Army TACOM-ARDEC
Attn: AMSTRA-AR-GCL
Bldg. 3
Picatinny Arsenal, NJ 07806-5000

In re Application of
Frank J. Dindl
Application No. 10/250,187
Filed: June 11, 2003
For: NON-LETHAL CARTRIDGES WITH DENSE POWDER BALLAST

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on the petition to withdrawal the holding of abandonment filed on October 14, 2004 in the United States Patent and Trademark Office.

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

☐ Postcard receipt being dated_____.

☒ USPTO return facsimile receipt dated April 1, 2004 which identifies the application by serial number and the type of Response 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/rwg: 1/03/05

STEVEN N. MEYERS
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 3600

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AMSRD-AAR-GCL
BUILDING 3
PICATINNY, NJ 07806-5000
CUSTOMER NO. 32170

FACSIMILE TRANSMISSION: 24 Hour Automatic – All Speeds
FAX NO.: (973) 724-5552
DSN: 880-5552

TO FAX PHONE NO.: (703) 872-9306 DATE: 14 October 2004

ATTN: PETITIONS *Desk Phone:*

FROM: Kathryn Vander Sande *Desk Phone:* 973-724-3449

SUBJECT: SN 10/250187, Filed 06/11/2003, NON-LETHAL CARTRIDGES WITH DENSE POWDER BALLAST, by: DINDL, Frank, Petition to Withdraw Holding of Abandonment

Pages sent including header: 10

DO NOT PROCESS, STORE, OR TRANSMIT CLASSIFIED INFORMATION ON NONSECURE TELECOMMUNICATIONS SYSTEM. OFFICIAL DOD TELECOMMUNICATIONS SYSTEMS – INCLUDING TELEPHONES, FACSIMILE MACHINES, COMPUTER NETWORKS, AND MODEMS—ARE SUBJECT TO MONITORING FOR TELECOMMUNICATIONS SECURITY PURPOSES AT ALL TIMES. USE OF OFFICIAL DOD TELECOMMUNICATIONS SYSTEMS CONSTITUTES CONSENT TO TELECOMMUNICATIONS SECURITY MONITORING.

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OCT 14 2004

Docket No.: 2002-013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re:
Application of:

DINDI, Frank

Serial No.: 10/250187 Group Art Unit: 3644

Filed: 06/11/2003 Examiner: LOFDAHL, Jordan M.

FOR: NON-LETHAL CARTRIDGES WITH DENSE POWDER BALLAST

PETITION TO WITHDRAW HOLDING OF ABANDONMENT

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria VA 22313-1450

Sir:

Applicants hereby petition the Commissioner to withdraw the holding of abandonment of the above application, to revive the application unavoidably abandoned by the USPTO on 04 October 2004 for: Failure to Respond to Office Action dated 02 March 2004, and now allow prosecution of this case to resume.

According to the enclosed papers found in this case file, the Amendment was actually faxed in on 1 April 2004 to the USPTO by the undersigned Attorney. Therefore, the Amendment should be given credit to have been received in the USPTO on 1 April 2004 and deemed as timely filed.

A copy of the Certificate of Transmission under 37 CFR 1.8 is provided, as well as a copy of the Auto-Reply Facsimile Transmission and Response, and should mean the Amendment is treated as received as on 01 April 2004, even if somehow misplaced. Kindly now therefore allow this case to return to examination by the Examiner.

A petition fee of $110.00 is enclosed on this accompanying fee letter, which also authorizes the payment of necessary further fees that might be required by the PTO for this Petition if the sum of $110.00 is too low. Such fees are authorized to be charged to our Army Deposit Account No. 19-2201.

Docket No. 2002-013

It is further requested that the $110.00 be refunded to Applicants if the PTO agrees that the abandonment was an error by the PTO, rather than fault of Applicants.

The undersigned hereby certifies that the attached papers are a true copy of Applicants' records, and further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements, and the like so made are punishable by fines or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

Respectfully,

12 October 2004
Date

ROBERT CHARLES BEAM
Attorney for Applicants
Reg. No. 28,182
Tel. No. 973-724-3411
Fax No. 973-724-5552

Mailing Address:
US ARMY ARDECOM-ARDEC
ATTN: AMSRD-AAR-GCL
R. Beam/Building 3
Picatinny, NJ 07806-5000

Docket No.: 2002-013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

DINDL, Frank

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Serial No.: 10/250187

Examiner: LOFDAHL, Jordan M.

Filed: June 11, 2003

Group Art Unit: 3644

For: NON-LETHAL CARTRIDGES WITH DENSE POWDER BALLAST

FEE LETTER

Honorable Commissioner of Patents and Trademarks
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

The PTO is hereby authorized to charge the sum of $110 from the Army's Deposit Account 19-2201 for the petition to withdraw holding of abandonment as set forth in 37 CFR 1.17(1).

The PTO is also authorized to charge the corrected fees for the above-described services, in the event the undersigned has misquoted or miscalculated the correct prices in the amount that was authorized herein.

12 October 2004
DATE

ROBERT CHARLES BEAM
Attorney for Applicants
Telephone No.: 973-724-3411
Fax No.: 973-724-5552
E-Mail: rbeam@pica.army.mil
Mailing Address:
U.S. Army RDECOM-ARDEC
AMSRD-AAR-GCL
R. Beam/BLDG 3
Picatinny, NJ 07806-5000

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TO: Fax Sender at 973 724 5552

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Date Received: 4/1/2004 3:46:29 PM [Eastern Standard Time]
Total Pages: 4 (including cover page)

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Received Cover Page ======>

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FAX NO.: (973) 724-5552
DSN: 880-5552

TO FAX PHONE NO.: (703) 872-9325 DATE: 01 Apr 2004

ATTN: TC3600 *Desk Phone:* 703-306-5771

FROM: ROBERT BEAM *Desk Phone:* 973-724-3411

SUBJECT: Response to Office Action for Patent Application 10/250187, filed 06/11/2003, NON-LETHAL CARTRIDGES WITH DENSE POWDER BALLAST, by Dindl, Frank J.

Pages sent including header: 4

DO NOT PROCESS, STORE, OR TRANSMIT CLASSIFIED INFORMATION ON NONSECURE TELECOMMUNICATIONS SYSTEM. OFFICIAL DOD TELECOMMUNICATIONS SYSTEMS – INCLUDING TELEPHONES, FACSIMILE MACHINES, COMPUTER NETWORKS, AND MODEMS—ARE SUBJECT TO MONITORING FOR TELECOMMUNICATIONS SECURITY PURPOSES AT ALL TIMES. USE OF OFFICIAL DOD TELECOMMUNICATIONS SYSTEMS CONSTITUTES CONSENT TO TELECOMMUNICATIONS SECURITY MONITORING.

****
*** TX REPORT ***
****

TRANSMISSION OK

TX/RX NO	2906
CONNECTION TEL	17038729325
SUBADDRESS	
CONNECTION ID	
ST. TIME	04/01 15:48
USAGE T	01'40
PGS. SENT	4
RESULT	OK

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Pages sent including header: 4

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Pages sent including header: 4

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Docket No. 2002-013

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re: Application of:

Frank J. Dindl

Serial No.: 10/250,187

Filed: June 11, 2003

For: NON-LETHAL CARTRIDGES WITH DENSE POWDER BALLAST

Examiner: Jordan M. Lofdahl

Group Art Unit: 3644

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AMENDMENT

Assistant Commissioner of Patents,
Washington, D.C. 20231

Dear Sir:

In response to the Office Action mailed March 2, 2004, the deadline for normal response expiring on April 2, 2004, please consider the following:

REMARKS

The claims are 1 to 12.

The claims stand subject to a restriction and/or election requirement. The Examiner has found that the application contains claims directed to patentably distinct species, namely: powdered tungsten; powdered iron; and sand, and has required the Applicant to elect a single disclosed species in the event that no generic claim is finally held allowable. Currently, claims 1 to 3 and 7 to 9 are generic.

Applicant hereby elects Species A as identified by the Examiner, powdered tungsten.

Applicant submits, however, that for reasons of economy, all species should be considered in one application. Certainly, a complete search of the art should be undertaken in determining the patentability of any of the species, and that search should include the other species as well. Treating the species individually could lead to multiple searches being carried out, possibly by different Examiners, and possibly with different and inconsistent results.

WHEREFORE, in consideration of the above election and arguments, examination and allowance are respectfully requested.

Respectfully,

Robert Charles Beam, Esq.
Reg. No. 28,182
Attorney for Applicant
(973) 724-3411

Mailing Address:
U.S. Army ARDEC
Attn: AMSRD-AAR-GC
R. Beam / Building 3
Picatinny Arsenal
New Jersey 07806-5000

PTO/SB/97 (08-00)
Approved for use through 10/31/2002. OMB 0651-0031
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on April 01, 2004
Date

Kathryn Vander Sande
Signature

KATHRYN VANDER SANDE
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Fax Cover Sheet (1 Sheet, Text)
Amendment (2 Sheet, Text)
Fax Certification (1 Sheet Text)

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Date

Kathryn Vander Sande
Signature

KATHRYN VANDER SANDE
Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of transmission, or this certificate must identify each submitted paper.

Fax Cover Sheet (1 Sheet, Text)
Petition to Withdraw Holding of Abandonment (2 Sheets, Text)
Fee Letter (1 Sheets, Text)
Auto-Reply Facsimile Transmission of 4/1/2003 (1 Sheet, Text)
Fax Transmission Report of 4/1/2003 (1 Sheet, Text)
Fax Cover Sheet of 4/1/2003 (1 Sheet, Text)
Amendment (2 Sheets, Text)
Fax Certification Sheet of 4/1/03 (1 Sheet, Text)
Fax Certification (1 Sheet, Text)

Burden Hour Statement: This form is estimated to take 0.03 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time required to complete this form should be sent to the Chief Information Officer, 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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FROM DIRECTORS OFFICE

JAN 24 2005

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U.S. Army TACOM-ARDEC
Attn: AMSTRA-AR-GCL
Bldg. 3
Picatinny Arsenal, NJ 07806-5000

In re Application of
Frank J. Dindl
Application No. 10/250,187
Filed: June 11, 2003
For: NON-LETHAL CARTRIDGES WITH DENSE POWDER BALLAST

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on the petition to withdrawal the holding of abandonment filed on October 14, 2004 in the United States Patent and Trademark Office.

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

☐ Postcard receipt being dated_____.

☒ USPTO return facsimile receipt dated April 1, 2004 which identifies the application by serial number and the type of Response 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/rwg: 1/03/05

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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DIW Mar-07

DISCOVISION ASSOCIATES
2265 E. 220TH STREET
LONG BEACH CA 90810

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MAR 26 2007

OFFICE OF PETITIONS

In re Patent No. 6,789,045	:	
Issued: 7 September, 2004	:	
Application No. 10/250,195	:	ON PETITION
Filed: 11 June, 2003	:	
Atty Docket No. SK 1000.09US	:	

This is a decision in reference to the communication filed on 9 May, 2006, which is being treated as a request under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **granted**.

Telephone inquires concerning this matter may be directed to the undersigned at 571.272.3231. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at 703.305.8309.

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

D I Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

[1] See Official Gazette of 22 June, 2004.

Best Available Copy

NOTICE RE: CERTIFICATES OF CORRECTION

DATE : 3/15/05 **Paper No.:** _____

TO : **Supervisor, Art Unit** 2863

SUBJECT : Certificate of Correction Request in Patent No.: 10/250,207 6,829,560

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

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

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

THANK YOU FOR YOUR ASSISTANCE!

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

☑ **YES** ☐ **NO**

☐ Comments: Please enter all changes (1. reference cited in the application. 2. add TM on the proper words in the specification. 3. claim reflect on the changes on 07/06/2004.) /TL/ 3/4/08

/John E. Barlow Jr./ 2863

Supervisor Art Unit

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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Dickinson Wright PLLC
38525 Woodward Avenue
Suite 2000
Bloomfield Hills, MI 48304

Mail Date: 04/21/2010

Applicant	: GOPAL B. AVINASH	: DECISION ON REQUEST FOR
Patent Number	: 7627160	: RECALCULATION of PATENT
Issue Date	: 12/01/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/250,222	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/13/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1527** 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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Richard C. Himelhock
WALLENSTEIN WAGNER & ROCKEY, Ltd.
311 South Wacker Drive, 53rd Floor
Chicago, Illinois 60606-6622

MAILED

FEB 15 2006

TECHNOLOGY CENTER 2100

In re Application of:
Richard BAKER
Application No.: 10/250,232
Filed: June 16, 2003
For: A METHOD FOR LOCATING DEVICES WITHIN A NETWORKING SYSTEM

DECISION ON PETITION UNDER 37 C.F.R. § 1.8 TO ACCEPT PAPERS AS TIMELY FILED AND UNDER 37 C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the petition filed 02 May 2005 under 37 C.F.R. § 1.8(b) to accept papers as timely filed and as a petition under 37 C.F.R. § 1.181 requesting the Withdrawal of the Holding of Abandonment.

The petition is **GRANTED**

This application was held abandoned for failure to respond in a timely manner to the Office Action mailed on 02 July 2004. A Notice of Abandonment was mailed on 14 April 2005.

37 C.F.R. § 1.8(b) states:

> (b) In the event that correspondence is considered timely filed by being mailed or transmitted in accordance with paragraph (a) of this section, but not received in the U.S. Patent and Trademark Office, and the application is held to be abandoned or the proceeding dismissed, terminated, or decided with prejudice, the correspondence will be considered timely if the party who forwarded such correspondence:
>
> (1) Informs the Office of the previous mailing or transmission of the correspondence promptly after becoming aware that the Office has no evidence of receipt of the correspondence,
>
> (2) Supplies an additional copy of the previously mailed or transmitted correspondence and certificate, and
>
> (3) Includes a statement which attests on a personal knowledge basis or to the satisfaction of the Commissioner to the previous timely mailing or transmission. If the correspondence was sent by facsimile transmission, a copy of

the sending unit's report confirming transmission may be used to support this statement.

Petitioner's submissions of 02 May 2005 meets the applicable criteria. Petitioner asserted that a Response was filed in a timely manner on 03 January 2005. A copy of the originally submitted response, a copy of the petition for three-month extension of time sent 03 January 2005, a Certificate of Mailing signed by Lynn A. Liebergen dated 03 January 2005 and a Declaration of Lynn A. Liebergen have been provided.

For the above stated reasons, the petition is **GRANTED**. The Notice of Abandonment is hereby vacated, and the holding of abandonment is withdrawn.

The application is being forwarded to the Technology Center support staff to process and enter the copies of the response and the petition for three-month extension of time sent 03 January 2005. The three-month extension of time fee $1020.00 will be deducted from the **Deposit Account No. 23-0280**.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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INTERNATIONAL BUSINESS MACHINE CORPORATION
NEW ORCHARD ROAD
ARMONK, NY 10504

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JAN 09 2006

OFFICE OF PETITIONS

In re Application of	:	
Hanson et al.	:	
Application No. 10/250,233	:	ON PETITION
Filed: June 16, 2003	:	
Attorney Docket No. FIS9-2003-0090-US1	:	

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed December 9, 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 Transmittal and requisite fees; (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 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

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Paper No. 3

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

Application No. 10/250,251

Filed: 6/18/03

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The Request to Withdraw as Attorney is **DISMISSED AS MOOT**.

The requester, Mr. Michael Mord Lewis, is not of record.

All future correspondence 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 Technology Center 2600 central files to await action by the examiner in due course.

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

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CALFEE, HALTER & GRISWOLD, LLP
800 SUPERIOR AVENUE
SUITE 1400
CLEVELAND OH 44114

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MAY 0 4 2005

OFFICE OF PETITIONS

In re Application of	:	
Shutic, et al.	:	DECISION
Application No. 10/250,264	:	ON PETITION
Filed: June 18, 2003	:	
Attorney Docket No. 11694/04277	:	

This is a decision on the petition under 37 CFR 1.137(b), filed October 1, 2004 (certificate of mailing date September 28, 2004), to revive the above-identified application.

This application became abandoned for failure to timely reply to the Notice to File Missing Parts of Nonprovisional Application, mailed June 27, 2003, which set a two month shortened statutory period for reply. No extensions of time having been obtained pursuant to 37 CFR 1.136(a), this application became abandoned on August 28, 2003. A Notice of Abandonment was mailed on August 17, 2004.

Petitioners have submitted a proper reply in the form of an executed declaration and late declaration surcharge, an acceptable statement of the unintentional nature of the delay in responding to the June 27, 2003 Notice, and the petition fee.[1]

The petition is **granted**.

The file is being forwarded to Initial Patent Examination Division, Applications Branch for review of submitted missing parts.

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

---

[1] Pursuant to petitioners' authorization, deposit account no. 03-0172 will be charged the required $130.00 late declaration surcharge.

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DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

In re Application of	:	
MICHAEL CHEN	:	
Application No. 10/250,266	:	DECISION ON REQUEST TO
Filed: June 18, 2003	:	WITHDRAW AS ATTORNEY
For: **METHOD FOR ACQUIRING DOCUMENT IMAGES WITH A PAPER FEED SCANNER**	:	

This is a decision on the request to withdraw as attorney/agent of record filed on August 18, 2003.

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

The practitioners of record include those of Customer Number 27,765. The undersigned, Mord Michael Lewis, is not of record, since he is not listed under Customer Number 27,765.

Accordingly, the request is **DISMISSED AS MOOT**.

Future communications from the Office will continue to be directed to the above-listed address unless a change of correspondence is specifically requested.

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. 3
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MAR 1 2 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

NAIPO (NORTH AMERICA INTERNATIONAL PATENT OFFICE)
P.O. BOX 506
MERRIFIELD VA 22116

In re Application of :
Lee-Chee Kuo :
Application No. 10/250,278 :
Filed: June 19, 2003 :
For: CORRECTION TO HFN INTIALIZATION FOR RB2 DURING SRNS RELOCATION :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the Request to Withdraw as Attorney/Agent of record received August 18, 2003.

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

The Request to Withdraw as Attorney is DISMISSED AS MOOT.

Attorney requesting withdraw was not of record.

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

The file is being returned to TC 2600 central files to await action examination in appropriate turn.

Dwayne Bost
Special Program Examiner
Technology Center 2600
Communications
(703) 305-4778

2003 023 5213

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 506
Merrifield, VA 22116

MAIL

MAR 1 8 2005

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Shye-Lin Wu
Application No. 10/250,284
Filed: June 20, 2003
For:

SYSTEM AND METHOD FOR PROVIDING
POSITION ALERTING WITH A MOBILE DEVICE

DECISION ON REQUEST TO
WITHDRAW FROM RECORD

This is a decision on the request for withdrawal as agent of record filed on August 18, 2003.

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

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

Mord Michael Lewis have been withdrawn for the record.

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

Kenneth Wieder
Special Program Examiner
Technology Center 2600
Communications
(571) 272-2986

10 FEB 2004

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Alcon Research Ltd.
Attn. Sally Yeager
6201 South Freeway, Mail Code Q-148
Fort Worth, Texas 76134-2099

In re Application of		
PANG et al.	:	
Application No.: 10/250,326	:	
PCT No.: PCT/US02/05456	:	
Int. Filing Date: 22 February 2002	:	DECISION
Priority Date: 21 March 2001	:	
Attorney Docket No.: 1981FUS	:	
For: USE OF PROPENTOFYLLINE TO CONTROL INTRAOCULAR PRESSURE	:	

This is a decision on applicants' "Petition under 37 CFR 1.182" filed in the Patent and Trademark Office (PTO) on 05 February 2004. Applicants are requesting to change the name of the fifth named inventor from Debra L. Shade to Debra L. Fleenor due to marriage. The petition was accompanied by an affidavit signed by Debra L. Fleenor using both her former name and present name. The $130 petition fee and the $110 extension of time fee will be charged to Deposit Account no. 50-1051.

DISCUSSION

The Manual of Patent Examining Procedure at § 605.04(c) requires in instances where an inventor has changed his or her name after the application has been filed to submit a petition under 37 CFR 1.182. The petition must include (1) the appropriate petition fee and (2) an affidavit signed with both names setting forth the procedure whereby the change of name was effected, or a certified copy of the court order. The petition has been reviewed and is approved. The declaration submitted on 30 June 2003 is accepted.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name from Debra L. Shade to Debra L. Fleenor is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the International Division for continued national stage processing.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (703) 308-6314
Fax: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JACKSON WALKER (CONEXANT)
901 MAIN STREET, SUITE 6000
DALLAS, TX 75202

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APR 21 2008

OFFICE OF PETITIONS

In re Application of
Matthew James Collins
Application No. 10/250,353
Filed: October 29, 2003
Attorney Docket No.
013628.00495(00CXT0462D)

ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 2, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of April 18, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extension of time pursuant to the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the date of abandonment of this application is July 19, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Request for Continued Examination (RCE) and fee of $810 and the submission required by 37 CFR 1.114; (2) the petition fee of $1540; and (3) a proper statement of unintentional delay.

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 the undersigned at (571) 272-3210. This application is being referred to Technology Center AU 2611 for processing of the RCE and for appropriate action by the Examiner in the normal course of business on the amendment submitted in accordance with 37 CFR 1.114.

Irvin Dingle
Petition Examiner
Office of Petitions

cc: Enrique Perez
10605 Balboa Blvd., Suite 300
Granada Hills, CA 91344

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FLESHNER & KIM, LLP
P.O. BOX 221200
CHANTILLY VA 20153

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OFFICE OF PETITIONS

In re Application of	:	
In-Gyu Kim et al	:	
Application No. 10/250,364	:	ON PETITION
Filed: July 1, 2003	:	
Attorney Docket No. LK-0002	:	

This is a decision on the petition, filed June 2, 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 April 12, 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 3744 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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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP
901 NEW YORK AVENUE, NW
WASHINGTON DC 20001-4413

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AUG 18 2005

OFFICE OF PETITIONS

Applicant: Kaasa et al.
Appl. No.: 10/250,375
International Filing Date: January 8, 2002
Title: METHOD AND SYSTEM FOR SIMULATION OF A THREAD IN COMPUTER GRAPHICS SIMULATIONS
Attorney Docket No.: 03438.0102
Pub. No.: US 2004/0222993 A1
Pub. Date: November 11, 2004

This is a decision on the request for corrected of patent application publication under 37 CFR 1.221(b), filed on January 11, 2005, for the above-identified application

The request is DISMISSED.

Applicant requests that the application be republished because the patent application publication contains numerous material errors such as the phrase "two pointers pointing to the neighboring" is misprinted as "two-pointers pointing to the neighboring" in claim 7 and the phrase "the length of the thread is kept" is misprinted as "the length of the thread-is kept" in claim 13.

37 CFR 1.221 (b) is applicable "only when the Office makes a material mistake which is apparent from Office records." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent. [1]

The errors noted by requestor wherein the phrase "two pointers pointing to the neighboring" is misprinted as "two-pointers pointing to the neighboring" in claim 7 and the phrase "the length of the thread is kept" is misprinted as "the length of the thread-is kept" in claim 13 are Office errors but the mistakes are minor typographical errors, which are clearly understandable to one of ordinary skill in reading the specification and the claims. The mistakes are minor typographical errors, which are clearly understandable from reading the claims in which the phrases are used, as terms are not read in a vacuum. The mistakes do not affect the public's ability to appreciate the technical disclosure of the patent application publication, or determine the scope of the patent

[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).

application publication or determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.

The errors in this published application may be due in part to the poor quality of the text in the application. While the text is legible, the text is not clear, as there are many stray marking on the pages. Applicant is advised that he or she may want to file application papers that are clearer, as the error may be due to the quality of the text.

Applicant should file applications having larger text, which is cleaner and with sufficient clarity and contrast to permit reproduction to avoid errors in the patent application publication process. See 37 CFR 1.52.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221 (a). Such a request for republication "must include a copy of the application compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18 (d) and the processing fee set forth in § 1.17 (i)." If the request for republication does not comply with the electronic filing system requirements, the republication will not take place and the publication fee set forth in § 1.18 (d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), must be submitted via the EFS system and questions or request for reconsideration of the decision, should be addressed as follows:

By mail to: Mail Stop PGPUB
Commissioner for Patents
P.O. Box 1450
Alexandria, Va. 22313-1450

By facsimile: 571-273-8300

Inquiries relating to this matter may be directed to Mark Polutta at (571) 272-7709 (voice).

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

24 MAR 2004

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Anne M. Rosenblum
Suite 212
163 Delaware Avenue
Delmar, NY 12054

In re Application of	:	
Berger et al.	:	
Application No. 10/250,376	:	DECISION ON
PCT No.: PCT/US01/47939	:	
Int. Filing Date: 11 December 2001	:	PETITION UNDER
Priority Date: 29 December 2000	:	
Atty. Docket No.: AM100497	:	37 CFR 1.10(d)
For: Method For The Regioselective	:	
Preparation Of Substituted Benzo	:	
[G] Quinoline-3-Carbonitriles...	:	

This is in response to the petition under 37 CFR 1.10 filed on 25 November 2003.

BACKGROUND

This international application was filed on 11 December 2001, claimed an earliest priority date of 29 December 2000, and designated the U.S. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. The International Bureau transmitted a copy of the published international application to the USPTO on 11 July 2002. The 30 month time period for paying the basic national fee in the United States expired at midnight on 30 June 2003 (since 29 June 2003 was a Sunday).

On 26 June 2003, applicants filed *inter alia* the basic national fee.

On 10 November 2003, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants, requiring the filing of an executed oath or declaration of the inventors.

DISCUSSION

Petitioner requests that correspondence allegedly filed on 23 October 2003 be accorded that date of receipt, despite the fact that 24 October 2003 was the "date-in" recorded on an "Express Mail" mailing label accompanying the correspondence and on a return postcard receipt stamped by the USPTO and returned to counsel. Inspection of the application file reveals that the original correspondence in question is not present in the file. Moreover, counsel has not included a copy of the original correspondence with the instant petition. Therefore, the petition under 37 CFR 1.10(d) is dismissed at this time.

DECISION

The petition is **DISMISSED**, for the reasons described above.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Please direct any further correspondence with respect to this matter to the Assistant Commissioner for Patents, Mail Stop PCT, Alexandria, VA 22313-1450, and address the contents of the letter to the attention of the PCT Legal Office.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
Fax: (703) 308-6459

24 JUN 2005

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Commissioner for Paten
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Alexandria, VA 22313-145
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John W. Hogan, Jr.
Wyeth
Patent Law Department
Five Giralda Farms
Madison, NJ 07940-0874

In re Application of	:	
Berger et al.	:	
Application No. 10/250,376	:	DECISION ON
PCT No.: PCT/US01/47939	:	
Int. Filing Date: 11 December 2001	:	PETITION UNDER
Priority Date: 29 December 2000	:	
Atty. Docket No.: AM100497	:	37 CFR 1.10(d)
For: Method For The Regioselective	:	
Preparation Of Substituted Benzo	:	
[G] Quinoline-3-Carbonitriles...	:	

This is in response to the renewed petition under 37 CFR 1.10 filed on 24 May 2004.

DISCUSSION

In a decision mailed on 24 March 2004, a petition under 37 CFR 1.10(d) filed on 25 November 2003 was dismissed without prejudice. The petition was dismissed because

> Petitioner requests that correspondence allegedly filed on 23 October 2003 be accorded that date of receipt, despite the fact that 24 October 2003 was the "date-in" recorded on an "Express Mail" mailing label accompanying the correspondence and on a return postcard receipt stamped by the USPTO and returned to counsel. Inspection of the application file reveals that the original correspondence in question is not present in the file. Moreover, counsel has not included a copy of the original correspondence with the instant petition. Therefore, the petition under 37 CFR 1.10(d) is dismissed at this time.

In response, petitioner has provided copies of the following correspondence alleged to have been filed originally on 23 October 2003: a "Transmittal Letter" (Form PTO-1390), a "Transmittal Letter With Petition For Extension Of Time," a "Combined Declaration And Power Of Attorney," two copies of a "Recordation Form Cover Sheet," a "Change of Correspondence Address" and an "Assignment of Invention." It is noted that the original Form PTO-1390 is present in the application file, and that it itemizes the "oath or declaration of the inventors," the "assignment document for recording," the "power of attorney and/or change of address letter," and the "Transmittal Letter With Petition For Extension Of Time."

37 CFR 1.10(d) provides that

> Any person filing correspondence under this section that was received by the Office and delivered by the "Express Mail Post Office to Addressee" service of the USPS, who can show that the "date-in" on the "Express Mail" mailing label or other official notation entered by the USPS was incorrectly entered or omitted by the USPS, may petition the Director to accord the correspondence a filing date as of the date the correspondence is shown to have been deposited with the USPS, provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date based upon an incorrect entry by the USPS;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail"; and

(3) The petition includes a showing which establishes, to the satisfaction of the Director, that the requested filing date was the date the correspondence was deposited in the "Express Mail Post Office to Addressee" service prior to the last scheduled pickup for that day. Any showing pursuant to this paragraph must be corroborated by evidence from the USPS or that came into being after deposit and within one business day of the deposit of the correspondence in the "Express Mail Post Office to Addressee" service of the USPS.

Requirement (1) was satisfied because the petition filed on 25 November 2003 was filed promptly.

Requirement (2) was satisfied because the Express Mail mailing label number, EU730354434US, appears on the 25 November 2003 and 24 May 2004 copies of the "Transmittal Letter With Petition For Extension Of Time" allegedly originally filed on 23 October 2003.

Regarding requirement (3), petitioner has provided a copy of a USPS receipt dated "10/23/03" and showing payment for Express Mail parcel no. EU730354434US, a printout of a USPS "Track and Confirm" page showing that Express Mail parcel EU730354434US was accepted by the USPS on 23 October 2003, and a copy of a letter from Thomas J. Porcaro of the USPS stating that the "correct date of acceptance for Express Mail article # EU730354434US should be October 23, 2003 instead of October 24, 2003. Delmar's sales associate made an error on Label 11-B. We are sorry for any inconvenience this may have caused you." In view of the totality of the evidence now of record, it would be appropriate to conclude that requirement (3) has been satisfied.

DECISION

The petition is **GRANTED**, for the reasons described above.

The Notification of Missing Requirements (Form PCT/DO/EO/905) mailed on 10 November 2003 was mailed in error, and it is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch for further processing consistent with this decision. Its date under 35 U.S.C. 371(c)(1), (2) and (4) is **23 October 2003**.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (571) 272-3283
Fax: (571) 273-0459

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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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BINGHAM MCHALE LLP
2700 MARKET TOWER
10 WEST MARKET STREET
INDIANAPOLIS IN 46204-4900

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AUG 01 2008

OFFICE OF PETITIONS

In re Application of	:	
Filipovich et al.	:	
Application No. 10/250388	:	DECISION
Filing or 371(c) Date: 12/12/2003	:	ON PETITION
Patent No.: 7170057	:	
Issue Date: 01/30/2007	:	
Attorney Docket No.: 8810-42960	:	

This is a decision on the correspondence filed April 20, 2007, requesting correction of the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction. The request is properly treated as a petition under 37 CFR 3.81(b)[1]. The delay in treating this petition is regretted.

The Petition is **granted**.

The petition was accompanied by a certificate of correction as required by 3.81(b), and the fee submitted with the present petition[2]. Further, Office assignment records reflect that Night Vision Corporation and Kollsman, Inc., are the assignees of record. As the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

/Derek L. Woods/
Derek L. Woods
Attorney
Office of Petitions

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[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

[2] The processing fee, $130.00, has been charged to Petitioner's deposit account as authorized in the petition.

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MICHAEL BEST & FRIEDRICH LLP
100 E WISCONSIN AVENUE
Suite 3300
MILWAUKEE, WI 53202

Mail Date: 04/21/2010

Applicant	: Matthias Weber	: DECISION ON REQUEST FOR
Patent Number	: 7607194	: RECALCULATION of PATENT
Issue Date	: 10/27/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/250,389	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 06/01/2004	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1478** 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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FRASER CLEMENS MARTIN & MILLER, LLC
28366 KENSINGTON LANE
PERRYBURG, OH 43551

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OFFICE OF PETITIONS

In re Application of	:	
John E. GORDON, et al	:	
Application No. 10/250,391	:	DECISION ON PETITION
Filed: June 30, 2003	:	TO WITHDRAW
Attorney Docket No. 1-36237	:	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 16, 2008.

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

A review of the file record indicates that the power of attorney to Fraser Clemens Martin & Miller LLC, has been revoked by the assignee of the patent application on October 16, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

All future communications from the Office will be directed to the assignee of the patent application at the address indicated below.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 6735.

Diane Goodwyn
Petitions Examiner
Office of Petitions

cc: LEAGUEBOSS.COM, LTD.
ATTN: MR. JOHN E. GORDON
133 WEST SECOND STREET
PERRYSBURG, OH 43551

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30 ROCKEFELLER PLAZA
44TH FLOOR
NEW YORK NY 10112-4498

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OFFICE OF PETITIONS

In re Application of	:	
Hwang, et al.	:	
Application No. 10/250,404	:	DECISION ON PETITION
Filed: June 27, 2003	:	
Attorney Docket No. A35877-72944.0173	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed September 12, 2008, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to submit corrected drawings in a timely manner in reply to the Notice of Allowability, mailed April 9, 2008, which set a period for reply of three (3) months. Accordingly, this application became abandoned on July 10, 2008. A Notice of Abandonment was mailed on August 8, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of corrected drawings, (2) the petition fee of $1,540.00, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)3230.

This application is being referred to the Office of Data Management for processing into a patent.

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

11 DEC 2003
UNITED STATES PATENT AND TRADEMARK OFFICE

#3

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Jeff Rothenberg, Esq.
Heslin Rothenberg Farley & Mesiti P. C.
5 Columbia Circle
Albany, NY 12203

In re Application of:	:	
JONES ET AL.	:	DECISION ON
Application No.: 10/250,409	:	PETITION
PCT No.: PCT/GB01/03851	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 29 August 2001	:	AND 37 CFR 1.42
Priority Date: 29 August 2000		
Docket No.: 1679.011	:	
For: SOFT RESTRAINING SYSTEM	:	

This is in response to the petition filed 30 June 2003 under 37 CFR 1.137 (b) to revive the above-identified abandoned application for "unintentional" delay.

BACKGROUND

On 29 August 2001, applicants filed international application PCT/GB01/03851, which claimed priority to an earlier application, filed 29 August 2000. A copy of the international application was communicated from the International Bureau to the United States Patent and Trademark Office on 07 March 2002 A Demand for international preliminary examination, in which the United States of America was elected, was timely filed. Accordingly, the thirty month period for paying the basic national fee in the United States expired at midnight on 29 February 2003.

On 30 June 2003, the present petition was submitted. This petition further includes an authorization to charge Deposit Account No. 08-1935 the amount of basic national fee of $450.00, a surcharge of $65.00 for submitting Declaration executed by the inventor as required by 35 U.S.C.371 (c)(4) later than 30 months from the priority date of 29 August 2000, and $ 650.00 for petition fee based on the applicant's claim of small entity.

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition fee required by 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, and (4) a terminal disclaimer with disclaimer fee (only for utility and plant applications filed before 08 June 1995).

Regarding items (1) and (2), applicants furnished the U.S. Basic National Fee of $450.00 and petition fee of $650.00 payable via counsel's Deposit Account No. 08-1935.

Regarding item (3), the petition includes a statement that the entire delay in filing the

required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Regarding item (4), because applicants' filing date of 29 August 2001 is after 08 June 1995, the requirement of a terminal disclaimer with disclaimer fee is not applicable in this case.

Accordingly, applicants have satisfied each of the requirements of 37CFR1.137(b).

Papers submitted under 37 CFR 1.42:

On 30 June 2003, applicant filed a declaration executed by Ruth Marjery Hickling as the heiress of the deceased inventor. The declaration is not acceptable because it fails to identify the citizenship. In addition, the declaration must set forth the citizenship, residence, and mailing address of the legal representative. It is not clear that Ruth Marjery Hickling is the sole heiress. Applicant should submit a new declaration stating that she is the legal representative.

CONCLUSION

The request to revive the application abandoned under 35 U.S.C. 371(d) is **GRANTED** as to the National stage in the United States of America.

If reconsideration on the merits of this mater 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 Papers Under 37 CFR 1.42." no additional petition fee is required. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P. O. Box 1450, Alexandria, VA 22313-1450, with the contents of he letter marked to the attention of the PCT Legal Office.

Shih-yung Hsieh
PCT Legal Detailee
PCT Legal Office
Telephone: (703) 308-6162
Facsimile: (703) 308-6459

Leonard Smith
PCT Legal Examiner
PCT Legal Office

30 APR 2004

#5

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P.O. BOX 1450
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HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of	:	
JONES et al.	:	DECISION ON
Application No.: 10/250,409	:	
PCT No.: PCT/GB01/03851	:	PAPERS
Int. Filing Date: 29 August 2001	:	
Priority Date: 29 August 2000	:	UNDER 37 CFR 1.42
Attorney's Docket No.: 1679.011	:	
For: SOFT RESTRAINING SYSTEM	:	

This decision is in response to applicants' "RENEWED PAPERS UNDER 37 CFR 1.42" filed on 02 February 2004 in the United States Patent and Trademark Office (USPTO), which was accompanied by a declaration of inventors.

BACKGROUND

On 29 August 2001, applicant filed international application PCT/GB01/03851 which claimed a priority date of 29 August 2000 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 March 2002. A Demand for international preliminary examination, in which the United States of America was elected, was timely filed. The thirty-month period for paying the basic national fee in the United States expires at midnight on 29 February 2003.

On 30 June 2003, applicants filed, *inter alia*, a petition to revive the application under 37 CFR 1.137(b), the basic national fee, an assertion of small entity status, and a declaration of inventors.

On 11 December 2003, a decision was mailed granting applicants petition under 37 CFR 1.137(b). However, the decision also indicated that the declaration filed 30 June 2003 was not acceptable.

On 02 February 2004, applicants filed the instant "RENEWED PAPERS UNDER 37 CFR 1.42" which was accompanied by a declaration of inventors.

DISCUSSION

The declaration filed 02 February 2004 fails to comply with 37 CFR 1.497(a)-(b). It is

not clear from the declaration whether the information below Ruth Marjorie Hickling's name is her residence, mailing address, and citizenship, or if it is the residence, mailing address, and citizenship of Alan Hickling. (Although the submission states in a separate paper that the residence, mailing address and citizenship are that of Ruth Marjorie Hickling, this should be made clear in the declaration itself.) Additionally, the declaration does not include the residence, mailing address and citizenship of the person(s) signing on behalf of the deceased inventor (37 CFR 1.497(b)(2)) in addition to the full name *and citizenship* of the deceased inventor (37 CFR 1.497(a)(3).

CONCLUSION

For the above reasons, the request for status under 37 CFR 1.42 is **REFUSED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Applicant is required to submit a declaration in compliance with 37 CFR 1.497 and 1.42 within a time period of **TWO (2) MONTHS** from the mail date of this Decision. THIS PERIOD FOR RESPONSE MAY BE EXTENDED UNDER 37 CFR 1.136(a). FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT. Any request for reconsideration of this decision should include a cover letter entitled "Renewed Submission Under 37 CFR 1.42."

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459

22 FEB 2005

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5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of	:	
JONES et al.	:	DECISION
Application No.: 10/250,409	:	
PCT No.: PCT/GB01/03851	:	
Int. Filing Date: 29 August 2001	:	
Priority Date: 29 August 2000	:	
Attorney's Docket No.: 1679.011	:	
For: SOFT RESTRAINING SYSTEM	:	

This decision is in response to applicants' submission filed via facsimile transmission on 02 February 2004 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 29 August 2001, applicant filed international application PCT/GB01/03851 which claimed a priority date of 29 August 2000 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 March 2002. A Demand for international preliminary examination, in which the United States of America was elected, was timely filed. The thirty-month period for paying the basic national fee in the United States expires at midnight on 29 February 2003.

On 30 June 2003, applicants filed, *inter alia*, a petition to revive the application under 37 CFR 1.137(b), the basic national fee, an assertion of small entity status, and a declaration of inventors.

On 11 December 2003, a decision was mailed granting applicants petition under 37 CFR 1.137(b). However, the decision also indicated that the declaration filed 30 June 2003 was not acceptable.

On 02 February 2004, applicants filed a "RENEWED PAPERS UNDER 37 CFR 1.42" which was accompanied by a declaration of inventors.

On 30 April 2004, a decision was mailed refusing applicants' renewed request for status under 37 CFR 1.42.

On 28 January 2005, applicants filed the instant submission which was accompanied by, *inter alia*, a copy of a declaration of inventors, a copy of a request for refund, and a copy of a date-stamped postcard receipt.

DISCUSSION

Petition Under 37 CFR 1.181

The submission filed 28 January 2005 requests that the copy of the declaration and the copy of the request for refund accompanying the submission be treated as having been filed in the USPTO on 12 October 2004. Applicants have provided sufficient evidence to establish that on 12 October 2004 applicants filed, *inter alia*, a declaration of inventors and a request for refund. The proof is in the form of the copy of the receipt for the above-identified application which bears a USPTO date stamp of 12 October 2004 and which itemizes the declaration and request for refund and identifies the above-captioned docket number and application number. Further, practitioner states that the copy of the declaration and request for refund filed 28 January 2005 are copies of the declaration and request for refund originally filed 12 October 2004. Therefore, in view of the date-stamped receipt and practitioner's statement, the declaration and request for refund received on 28 January 2005 may properly be accepted as originally received in the USPTO on 12 October 2004.

Request for Status Under 37 CFR 1.42

The submission filed 12 October 2004 has been reviewed and has been found in compliance with 37 CFR 1.42. The declaration filed 12 October 2004 is in compliance with 37 CFR 1.497(a)-(b).

Request for Refund

Applicants request "a refund of the extension fee on the basis that the Decision on PAPERS UNDER 37 CFR 1.42, dated April 30, 2004, was not received by Applicants' attorney until August 19, 2004." This request is based on a failure to receive an Office action. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

Item (1) has been met.

As to (3), MPEP § 711.03(c), para. I.A. states that "[f]or example, if a three month period for reply was set in the nonreceived Office action, a copy of the docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action." A copy of such a docket report has not been provided. Thus, item (3) has not been met.

Item (2) has not been satisfied.

CONCLUSION

For the reasons set forth above, the petition under 37 CFR 1.181 is **GRANTED**.

For the reasons set forth above, the request for status under 37 CFR 1.42 is **GRANTED**.

For the reasons set forth above, the request for refund is **REFUSED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application in accordance with this decision.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459

13 MAY 2005

#9

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HESLIN ROTHENBERG FARLEY & MESITI PC
5 COLUMBIA CIRCLE
ALBANY NY 12203

In re Application of	:	
JONES et al.	:	DECISION
Application No.: 10/250,409	:	
PCT No.: PCT/GB01/03851	:	
Int. Filing Date: 29 August 2001	:	
Priority Date: 29 August 2000	:	
Attorney's Docket No.: 1679.011	:	
For: SOFT RESTRAINING SYSTEM	:	

This decision is in response to applicants' submission filed 14 March 2005 and applicants' submission via facsimile transmission on 29 April 2005 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 29 August 2001, applicant filed international application PCT/GB01/03851 which claimed a priority date of 29 August 2000 and designated the United States. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 07 March 2002. A Demand for international preliminary examination, in which the United States of America was elected, was timely filed. The thirty-month period for paying the basic national fee in the United States expires at midnight on 29 February 2003.

On 30 June 2003, applicants filed, *inter alia*, a petition to revive the application under 37 CFR 1.137(b), the basic national fee, an assertion of small entity status, and a declaration of inventors.

On 11 December 2003, a decision was mailed granting applicants petition under 37 CFR 1.137(b). However, the decision also indicated that the declaration filed 30 June 2003 was not acceptable.

On 02 February 2004, applicants filed a "RENEWED PAPERS UNDER 37 CFR 1.42" which was accompanied by a declaration of inventors.

On 30 April 2004, a decision was mailed refusing applicants' renewed request for status [illegible]R 1.42.

On 28 January 2005, applicants filed a submission which was accompanied by, *inter alia*, a copy of a declaration of inventors, a copy of a request for refund, and a copy of a date-stamped postcard receipt. The submission was treated as (1) a petition under 37 CFR 1.181 to accept the copy of the declaration and the request for refund as having been originally received in the USPTO on 12 October 2004, (2) a renewed request for status under 37 CFR 1.42, and (3) a request for refund.

On 22 February 2005, a decision was mailed (1) granting applicants' petition under 37 CFR 1.181, (2) granting applicants' request for status under 37 CFR 1.42, and (3) dismissing applicants' request for refund. Specifically, it was noted that applicants had failed to provide a copy of a docket report.

On 14 March 2005, applicants filed a submission which has been treated as a renewed request for refund.

On 29 April 2005, applicants filed a submission via facsimile transmission which has been treated as a petition under 37 CFR 1.181.

DISCUSSION

Petition Under 37 CFR 1.181

The submission filed 29 April 2005 requests that the renewed request for refund accompanying the submission be treated as having been filed in the USPTO on 14 March 2005. The renewed request for refund originally filed 14 March 2005 has now been matched with the application file. Accordingly, the petition under 37 CFR 1.181 filed 29 April 2005 is moot.

Request for Refund

Applicants request "a refund of the extension fee on the basis that the Decision on PAPERS UNDER 37 CFR 1.42, dated April 30, 2004, was not received by Applicants' attorney until August 19, 2004." This request is based on a failure to receive an Office action. See MPEP § 711.03(c), para. I.A. The showing must include: (1) a statement by the practitioner that the Office action was not received by the practitioner; (2) a statement attesting that a search of the file jacket and docket records indicates that the Office action was not received; and (3) a copy of the docket record where the non-received Office action would have been entered had it been received (the docket record must also be referenced in practitioner's statement).

As noted in the decision mailed 22 February 2005, item (1) has been met.

Items (2) and (3) have now been met as well. Accordingly, the four month extension of time fee for a small entity of $765 will be credited to Deposit Account 08-1935.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED** as **MOOT** for the reasons set forth above.

For the reasons set forth above, the request for refund is **GRANTED**.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application.

Daniel Stemmer
Legal Examiner
PCT Legal Affairs
Office of Patent Cooperation Treaty
Legal Administration
Telephone: (703) 308-2066
Facsimile: (703) 308-6459

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SCHLUMBERGER-DOLL RESEARCH
36 OLD QUARRY ROAD
RIDGEFIELD CT 06877-4108

COPY MAILED

MAR 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Jian Zhou, et al.	:	
Application No. 10/250,417	:	ON PETITION
Filed: December 12, 2003	:	
Attorney Docket No. US57.0458-WO	:	

This is a decision on the petition under 37 CFR 1.137(b), filed January 19, 2006, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure submit the issue fee and publication fee in a timely manner in reply to the Notice of Allowance and Fee(s) Due, mailed October 3, 2005, which set a statutory period for reply of three (3) months. Accordingly, the application became abandoned on January 4, 2006.

Telephone inquiries concerning this decision should be directed to the undersigned at (571)272-3213.

The application file is being forwarded to the Publishing Division to be processed into a patent.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

24 NOV 2003

#4

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M. Wayne Western
Thorpe North & Western LLP
PO Box 1219
Sandy, UT 84091-1219

In re Application of PAI, Srikanth Annappa, et al. Application No.: 10/250,420 PCT No.: PCT/IN01/00213 Int. Filing Date: 05 December 2001 Priority Date: 07 December 2000 Docket No.: 22044.US For: CLEAR PROPOFOL COMPOSITIONS	DECISION ON PETITION UNDER 37 CFR 1.137(b)

Applicant's "Petition For Revival of an International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed in the above-captioned application on 01 July 2003 is **GRANTED**.

Applicant states "the entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional," as required by 37 CFR 1.137(b)(3). The appropriate national fee and petition fee have been submitted. A terminal disclaimer is not required as the application was filed on or after 08 June 1995. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A signed oath or declaration has not yet been submitted.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for continued processing in accordance with this decision, including the mailing of a Notification of Missing Requirements (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a)-(b) is required.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

13 APR 2005

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	:	DECISION ON
DA SILVA et al	:	
Application No.: 10/250,431	:	
PCT No.: PCT/EP00/00887	:	
Int. Filing Date: 20 December 2001	:	PETITION UNDER
Priority Date: 28 December 2000	:	
Attorney's Docket No.: Q75692	:	
For: PROCESS AND DEVICE FOR ...	:	
THIOPHENE DERIVATIVES	:	37 CFR 1.137(b)

This decision is in response to applicants' "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 12 January 2005.

BACKGROUND

On 20 December 2001, this international application was filed, claiming an earliest priority date of 28 December 2000.

The deadline for paying the basic national fee in the United States under 35 U.S.C. 371 and 37 CFR 1.495 was 30 June 2003 since June 28, 2003 fell on a Saturday.

On 30 June 2003, applicants filed a Transmittal letter for entry into the national stage in the United States, which was accompanied by, basic national fee. However, no executed declaration or oath and no translation into English of the international application was provided at that time.

On 27 October 2003, the United States Designated/Elected Office mailed a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that that an oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond.

On 12 November 2003, applicants submitted an executed declaration.

On 26 November 2003, the United States Designated/Elected Office mailed a withdrawal of previously sent notice and another Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that that the translation of the application into English must be furnished within the time period set forth. The notification set a two months time limit or 32 months from the priority date for the application, whichever is later to respond.

On 14 December 2004, the USPTO mailed applicant a Notification of Abandonment (Form PCT/DO/EO/909) indicating the applicants have failed to respond to the NOTIFICATION OF MISSING REQUIREMENTS mailed 11/26/2003 within the time period set therein.

On 12 January 2005, applicant filed in the United States Patent and Trademark Office (PTO) the instant petition, accompanied by, *inter alia*, a preliminary amendment in English. Although, the petition states that an English translation of the international application was provided no such translation was found in the file.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

The petition is deemed to satisfy requirements (2), (3), and (4) under 37 CFR 1.137(b) but not requirement (1) since no proper reply (English Translation) has been provided with the petition.

Petitioner has provided: (2) the petition fee set forth in §1.17(m) and (3) the proper statement under 137(b)(3). In this application, no terminal disclaimer is required.

The petition is deemed to satisfy requirements (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

For reasons above, the petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

25 JUL 2005

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2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON DC 20037

In re Application of	: DECISION ON
DA SILVA et al	:
Application No.: 10/250,431	:
PCT No.: PCT/EP00/00887	:
Int. Filing Date: 20 December 2001	: PETITION UNDER
Priority Date: 28 December 2000	:
Attorney's Docket No.: Q75692	:
For: PROCESS AND DEVICE FOR ...	:
THIOPHENE DERIVATIVES	: 37 CFR 1.137(b)

This decision is in response to applicants' "Renewed Petition Under 37 CFR 1.137(b)," filed on 06 May 2005.

BACKGROUND

In a decision from this Office on 13 April 2005, the petition filed on 12 January 2005 was dismissed. The decision indicated that, although, the petition stated that an English translation of the international application was provided no such translation was found in the file.

On 06 May 2005, petitioner filed the instant petition providing an English translation of the international application and indicating that this is a resubmission since it was filed on January 12, 2005 as indicated by the postcard.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

The renewed petition still does not satisfy requirement (1) under 37 CFR 1.137(b) since no proper reply (English translation) has been provided with the petition. Although, petitioner

has provided an English translation of the specification and claims, petitioner has not provided an English translation of the drawings, specifically figures 3.1 and 3.2. An English translation of the drawings (the graphs of figs 3.1 and .3.2 must have no foreign labeling since it must be completely in English) of the International Application as filed was not provided at this time.

In addition, it is unclear if the this is a re-submission of the English translation of the international application (specification) since the stamped postcard is unclear as to what specifically was filed on12 January 2005 because it only states "Response to Notification of Missing Requirements...," and does specifically itemize what was filed on that date.

The petition is not deemed to satisfy requirement (1) under 37 CFR 1.137(b).

DECISION

For reasons above, the petition under 37 CFR 1.137(b) is **DISMISSED**, without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.137(b)." No additional petition fee is required.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

28 OCT 2005

#11

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SUGHRUE MION, PLLC
2100 PENNSYLVANIA AVENUE, N.W.
SUITE 800
WASHINGTON, DC 20037

In re Application of	:	DECISION ON
DA SILVA et al	:	
Application No.: 10/250,431	:	
PCT No.: PCT/EP00/00887	:	
Int. Filing Date: 20 December 2001	:	PETITION UNDER
Priority Date: 28 December 2000	:	
Attorney Docket No.: Q75962	:	
For: PROCESS AND DEVICE FOR ...	:	
THIOPHENE DERIVATIVES	:	37 CFR 1.181 & 1.137(b)

This decision is in response to the "RENEWED PETITION UNDER 37 C.F.R. 1.137(b)" faxed 20 October 2005, which is being treated as a petition under 37 CFR 1.181 requesting that the translated drawings in response to the decision on 25 July 2005 were filed 03 September 2005.

BACKGROUND

In a decision from this Office on 25 July 2005, the petition filed on 06 May 2005 was dismissed. The decision stated petitioner had not satisfied requirement (1) under 37 CFR 1.137(b) because no proper reply (English translation) was provided for figures 3.1 and 3.2.

On 03 September 2005, petitioner allegedly filed a renewed petition with the translated drawings.

On 20 October 2005, petitioner faxed a copy of the renewed petition under 37 CFR 1.137(b), and a copy of the stamped postcard dated 03 September 2005.

DISCUSSION

37 CFR 1.181

The itemized stamped postcard provided lists, inter alia, the following items: 1) Renewed Petition Under 37 CFR 1.137(b) and (2) Translations of Figures 3.1 and 3.2.

The postcard lists the above items and bears a USPTO date of stamp as 03 September 2005.

MPEP 503 provides:

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.

Petitioner's postcard is accepted as *prima facie* that the above renewed petition under 37 CFR 1.137(b) and figures 3.1 and 3.2 were deposited with the U.S. Patent and Trademark Office on 03 September 2005.

DECISION

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

37 CF 1.137(b)

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. In a nonprovisional application abandoned for failure to prosecute, the required reply may be met by the filing of a continuing application; (2) the petition fee as set forth in § 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Petitioner has provided with the renewed petition item (1): the proper English translation for figures 3.1 and 3.2.

Accordingly, the petition is now deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

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

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing. The 35 USC 371(c)(1), (c)(2), and (c)(4) date of this application is **03 September 2005.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 272-6459

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MAY 23 2006

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TECHNOLOGY CENTER 2600

SHELDON & MAK, INC
225 SOUTH LAKE AVENUE
9TH FLOOR
PASADENA CA 91101

In re Application of
KOKEMOHR, NILS
Application No. 10/250,438
Filed: June 27, 2003
For: **DIGITAL POLARIZATION FILTER**

DECISION ON PETITION
TO MAKE SPECIAL

This is a decision on the petition filed May 18, 2006 under 35 USC § 371, Manual of Patent Examination Procedure (MPEP) §§ 1893.03 and 708.02, VIII to make the application special.

The instant application is a national stage filing under 35 USC § 371. The International Preliminary Examination Report (IPER) was completed in the United States of America. 37 CFR § 1.496(b) states:

> (b) National stage applications having paid therein the search fee as set forth in § 1.492(b)(1) and the examination fee as set forth in § 1.492(c)(1) may be amended subsequent to the date of entry into the national stage only to the extent necessary to eliminate objections as to form or to cancel rejected claims. Such national stage applications will be advanced out of turn for examination. (Emphasis added.)

MPEP § 1893.03 states in part:

> If an international preliminary examination report (IPER) prepared by the United States International Preliminary Examining Authority or a written opinion on the international application prepared by the United States International Searching Authority states that the criteria of novelty, inventive step (non-obviousness), and industrial applicability, as defined in PCT Article 33(1)-(4) have been satisfied for all of the claims presented in the application entering the national stage, the national stage search fee is reduced and the national stage examination fee is reduced. See 37 CFR 1.492(b)(1) and 37 CFR 1.492(c)(1). Such applications may be amended only to the extent necessary to eliminate objections as to form or cancel rejected claims, and they will be advanced out of turn for examination. (Emphasis added.)

A 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.

Petitioner has not met the above-listed requirements for advancement out of turn in accordance with MPEP § 708.02 VIII. However, this application is a national stage application where the IPER was prepared by the United States in which the claims meet the requirements of PCT Article 33 (1)-(4). Accordingly, the application will be advanced out of turn.

A petition is not required to make this type of application "special". Therefore, the petition is **MOOT**. The $130 fee authorized by petitioner for the petition will be refunded to petitioner's Deposit Account No. 19-2090.

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

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WENDEROTH, LIND & PONACK, LLP
2033 K STREET N.W.
SUITE 800
WASHINGTON DC 20006-1021

In re Application of
Satoshi KONODO et al
Application No. 10/250,456
Filed: July 2, 2003
For: **MOVING PICTURE CODING METHOD AND MOVING PICTURE DECODING METHOD**

DECISION ON PETITION TO MAKE SPECIAL

This is a decision on the petition filed August 30, 2005 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.

Doris To
Special Program Examiner
Technology Center 2600
Communications

25 OCT 2005

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BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, Virginia 22040-0747

In re Application of	:	
HONDA, Toshimi	:	
U.S. Application No.: 10/250,464	:	DECISION ON REQUEST
PCT No.: PCT/JP01/08682	:	TO CORRECT TITLE AND
International Filing Date: 02 October 2001	:	PETITION UNDER
Priority Date: 05 January 2001	:	37 CFR 1.182
Attorney's Docket No.: 2114-0109P	:	
For: METHOD AND DEVICE FOR WASHING	:	
PIPES	:	

This decision is issued in response to the "Letter To Correct Official Records" filed 23 May 2005 and the "Petition Under 37 CFR 1.182" filed 19 October 2005. Deposit Account No. 02-2448 will be charged the required $400 petition fee for the petition under 37 CFR 1.182.

BACKGROUND

On 02 October 2001, applicant filed international application PCT/JP01/08682. The application claimed priority to Japanese application number 2001-000736, filed 05 January 2001, and it designated the United States. On 18 July 2002, a copy of the international application was communicated to the United States Patent and Trademark Office ("USPTO") by the International Bureau ("IB"). The English translation of the application's title listed on the published international application was "Method And Device For Washing Pipes."

The deadline for submission of the basic national fee was thirty months from the priority date, i.e., 05 July 2003.

On 02 July 2003, applicant filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee, a translation into English of the international application, a Preliminary Amendment, and an executed declaration in compliance with 37 CFR 1.497. The Transmittal Letter identified the application as a national stage of PCT/JP02/08682. However, the Preliminary Amendment identified the relevant international application as PCT/JP01/08682, and the bibliographic information listed on the Transmittal Letter (i.e. inventor, international filing date, and priority date) correspond to such information for PCT/JP01/08682, not PCT/JP02/08682.

Based on the international application number listed on the Transmittal Letter, the present application file was established as a national stage of PCT/JP02/08682.

On 20 October 2003, the USPTO mailed a Notification Of Acceptance and a filing receipt. The Notification Of Acceptance indicated that the application was a national stage of PCT/JP02/08682 with a priority date of 30 August 2001. The filing receipt also identified the application as a national stage of PCT/JP02/08682, set forth the foreign priority application as JP 2001-261251 (filed 30 August 2001), and listed the title of the application as "Micro Device And Its Manufacturing Method."[1]

On 29 April 2005, a Notice Of Allowance was issued.

On 23 May 2005, applicant filed the "Letter To Correct Official Records" considered herein as a request to correct the title of the application. This submission asserts that the title on the Notice Of Allowance ("Micro Device And Its Manufacturing Method") is incorrect. Applicant requests that the title be corrected to "Pipe Washing Method And Pipe Washing Apparatus" (the title listed on the declaration and the English translation of the specification).

On 28 July 2005, applicant submitted payment of the issue and publication fees.

On 19 October 2005, applicant filed the petition under 37 CFR 1.182 considered herein. The petition requests that USPTO records be corrected to reflect that the present application is a national stage of PCT/JP01/08682, not PCT/JP02/08682.

DISCUSSION

1. Petition Under 37 CFR 1.182

As noted above, the Transmittal Letter filed by applicants to initiate this national stage application identified the submission as a national stage of PCT/JP02/08682. However, the present petition confirms that the listing of PCT/JP02/08682 on the original application materials was an error, and it notes that the correct international application number was listed elsewhere in the materials filed to initiate the national stage application.[2] The petition also authorizes a charge to Deposit Account No. 02-2448 for the required petition fee.

The petition to treat the present application as a national stage of PCT/JP01/08682 is granted. The Notification Of Acceptance and filing receipt mailed 20 October 2003, both of which indicate that the application is a national stage of PCT/JP01/08682 and include incorrect priority information, are appropriately vacated.

---

[1] The title and priority information on the filing receipt are taken from PCT/JP02/08682, the international application mistakenly identified by applicant on the Transmittal Letter filed to initiate the national stage application.

[2] The Preliminary Amendment filed with original national stage papers listed the correct international application number, PCT/JP01/08682.

A corrected Notification Of Acceptance and filing receipt based on the treatment of the present application as a national stage of PCT/JP01/08682 will be issued.

2. Request To Correct Application Title

The title set forth in the Notice Of Allowance (and the filing receipt) is "Micro Device And Its Manufacturing Method." This is the title of PCT/JP02/08682. Pursuant to the petition under 37 CFR 1.182 (treated above), the present application file is being corrected to indicate that it is a national stage of PCT/JP01/08682, not PCT/JP02/08682. Accordingly, the title of PCT/JP02/08682 is appropriately removed from USPTO records for the present application, to be replaced with the proper title for PCT/JP01/08682.

In the 23 May 2005 submission, applicant requests that the title be corrected to "Pipe Washing Method And Pipe Washing Apparatus." This is the title contained on the declaration, the English translation of the specification, and the Transmittal Letter filed by applicant on 02 July 2003 to initiate this national stage application. However, as set forth in MPEP § 1893.03(e), the USPTO applies "the title of the invention indicated on the cover page of the publication as the title of the national stage application." The MPEP goes on to state that "[a]pplicants desiring to have a filing receipt reflect a title that is different from the English language title appearing on the cover page must submit either a preliminary amendment amending the title or an application data sheet ... with the desired title."

Here, applicant did not submit an amendment or application data sheet that amended the title of the application. Accordingly, the appropriate title for the present national stage application is "Method And Device For Washing Pipes," the English translation of the title set forth on the publication of international application PCT/JP01/08682. USPTO records will be updated to include this title.

CONCLUSION

The petition under 37 CFR 1.182 **GRANTED**.

Deposit Account No. 02-2448 will be charged $400 as the required petition fee.

USPTO records will be corrected to indicate that the present application is the national stage of PCT/JP01/08682 with an international filing date of 02 October 2001 and a priority claim to Japanese application number 2001-000736, filed 05 January 2001.

The Notification Of Acceptance and filing receipt mailed 20 October 2003 are hereby **VACATED** based on their identification of the present application as a national stage of PCT/JP02/08682. A corrected Notification Of Acceptance and filing receipt will be issued that properly identify the application as a national stage of PCT/JP01/08682 and include the proper priority information and title.

Applicant's request to correct the title of the application is **GRANTED** to the extent that the title listed on the previously mailed filing receipt and Notice Of Allowance ("Micro Device And Its Manufacturing Method") will be removed from the present application. However, as discussed above, the new title requested by applicant will not be applied to the present application. Rather, the title will be corrected to "Method And Device For Washing Pipes," the English translation of the title set forth on the publication of international application PCT/JP01/08682.

This application is being returned to the National Stage Processing Branch of the Office Of PCT Operations for processing in accord with this decision, including: (1) correcting USPTO records so as to identify the present application as a national stage of PCT/JP01/08682; and (2) issuing the corrected Notification Of Acceptance and corrected filing receipt.

Richard M. Ross
PCT Petitions Attorney
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459

23 JAN 2004

#5

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BIRCH, STEWART, KOLASCH & BIRCH, LLP
P.O. Box 747
Falls Church, VA 22040-0747

In re Application of BERTINI, Riccardo *et al* Application No.: 10/250,465 PCT No.: PCT/EP02/00946 Int. Filing Date: 30 January 2003 Priority Date: 02 February 2001 Attorney's Docket No.: 3765-0110P For: USE OF (R) - IBUPROFEN METHANESULFONAMIDE AND SALTS THEREOF . . .	**DECISION ON** **PETITION UNDER** **37 CFR 1.181**

This decision is in response to applicants' "Letter" filed on 17 November 2003 which is treated as a petition under 37 CFR 1.181. No fee is required.

BACKGROUND

On 02 October 2003, applicants purportedly filed documents in the above-captioned application which included an assignment and executed declaration.

On 17 October 2003, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an executed declaration in compliance with 37 CFR 1.497(a) & (b) must be provided. A two-month time period for response was set.

On 17 November 2003, applicants filed the instant petition which was accompanied by, *inter alia*, a stamped postcard receipt for documents filed 02 October 2003 and a copy of the declaration purportedly filed 02 October 2003.

DISCUSSION

A review of the above-captioned application in the Office reveals that no documents dated 02 October 2003 were located in the file. Nevertheless, USPTO financial records indicate that a $40.00 assignment fee was paid by check on 02 October 2003 in the above-captioned application.

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. Applicants must enclose a self-addressed postcard identifying all of the papers filed. The USPTO will stamp the receipt date on the card and place it on the outgoing mail. The identifying data on the card must clearly identify the paper for which receipt is requested. 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.

In this case, applicants have provided a copy of the date-stamped filing receipt for documents submitted 02 October 2003. The name of the applicants, application number, and docket number are all listed on the postcard receipt. The postcard receipt indicates that among the documents received in the USPTO included an "Executed Declaration." The postcard receipt is stamped "OIPE OCT 02 2003" across its face.

Accordingly, applicants have provided *prima facie* evidence that an executed declaration was received by the USPTO in the above-captioned application on 02 October 2003.

DECISION

For the reasons above, applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Form PCT/DO/EO/905 mailed 17 October 2003 is hereby **VACATED**.

Applicants included a copy of the executed declaration mailed 02 October 2003 which shows that it is in compliance with 37 CFR 1.497(a) & (b).

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 30 January 2003, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 02 October 2003.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

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GIFFORD, KRASS, SPRINKLE,ANDERSON & CITKOWSKI, P.C
PO BOX 7021
TROY MI 48007-7021

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AUG 13 2007

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Naumov, et al. :
Application No. 10/250,471 :
Filed: July 1, 2003 :
Attorney Docket No. LOP-11202/01 :

This is a decision on the petition under 37 CFR 1.137(b), filed June 27, 2007, to revive the above-identified application.

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

This application became abandoned for failure to timely and properly reply to the Restriction Requirement, mailed March 17, 2006, which set a one month shortened statutory period for reply. An election was filed on April 17, 2006. However, the election was not fully responsive and applicants were given a one month or thirty day period (whichever was longer) to file a fully responsive election. On July 26, 2006, applicants filed another election. On October 18, 2006 the Office mailed a letter informing applicants that the July 26, 2006 election was not fully responsive. Applicants were informed that a reply was due prior to the expiration of the period for reply set in the June 27, 2006 correspondence. No further reply or extension of time being received in the Office, this application became abandoned on July 28, 2006. A Notice of Abandonment was mailed on May 29, 2007.

Applicants have submitted a reply in the form of an election, an acceptable statement of the unintentional nature of the delay in responding to the Restriction Requirement, and the $750.00 petition fee. Accordingly, the petition under 37 CFR 1.137(b) is granted.

After the mailing of this decision, the file will be returned to Technology Center AU 3735 for consideration of the election filed on June 27, 2007.

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

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STEVENS DAVIS MILLER & MOSHER, LLP
1615 L STREET, NW
SUITE 850
WASHINGTON DC 20036

In re Application of	:	
Corrado Marchini et al	:	
Application No. 10/250,486	:	ON PETITION
Filed: November 14, 2003	:	
Attorney Docket No. APV31639	:	

This is a decision on the petition, filed November 9, 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 September 26, 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 1645 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy
Karen Creasy
Petitions Examiner
Office of Petitions

---

[1] The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new 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).

10 JAN 2005

#5

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Rosemary Kellogg
SWANSON & BRATSCHUN, L.L.C.
1745 Shea Center Drive, Suite 330
Highlands Ranch, Colorado 80129

In re Application of	:
ARAR, Khalil	: DECISION ON
US Application No.: 10/250,492	:
PCT Application No.: PCT/EP02/14905	: PETITION UNDER
Int. Filing Date: 31 December 2002	:
Priority Date: NONE	: 37 CFR 1.181
Attorney's File Reference: PRO.10/US	:
For: METHODS AND COMPOSITIONS FOR THE TANDEM SYNTHESIS OF TWO OR MORE OLIGONUCLEOTIDES ON THE SAME SOLID SUPPORT	

This is a decision on applicant's "Petition Under 37 CFR 1.181 To Accept Declaration" filed on 16 December 2004.

BACKGROUND

On 01 July 2003, the instant application was filed without the Declaration and Power of Attorney.

On 29 July 2003, an executed Declaration and Power of Attorney was submitted.

On 16 December 2004, applicant filed the present petition, which was accompanied by, *inter alia*, a copy of the executed Declaration and Power of Attorney and a copy of the stamped postcard receipt evidencing receipt by the United States Patent and Trademark Office.

DISCUSSION

A review of the application file reveals that all of the papers filed 01 July 2003 and 29 July 2003 are located in the file. Accordingly, applicant's petition is moot.

DECISION

The petition under 37 CFR 1.181 to accept the Combined Declaration and Power of Attorney is **DISMISSED** as moot.

Applicant's claim for priority is acknowledged. The application has an international filing date of 31 December 2002 under 35 U.S.C. 363 and a date of 29 July 2003 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being forwarded to the National Stage Processing Branch of the International Division for continued processing.

Ula Ruddock
Ula Ruddock
PCT Legal Administration Detailee
PCT Special Programs Office
Telephone: 571-272-6094

Richard Cole
PCT Legal Examiner
PCT Legal Office

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WELSH & KATZ, LTD.
120 S. RIVERSIDE PLAZA
22ND FLOOR
CHICAGO, IL 60606

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OFFICE OF PETITIONS

In re Application of	:
Wolfgang Hummel et al	:
Application No. 10/250,495	:DECISION GRANTING PETITIONS
Filed: August 20, 2004	:UNDER 37 CFR 1.137(b)AND
Attorney Docket No. 90163	:37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.137(b), filed October 6, 2006, to revive the above-identified application and on the petition under 37 CFR 1.313(c)(2), filed December 19, 2006, to withdraw this application from issue.

The petitions are **GRANTED**.

Discussion of Petition under 37 CFR 1.137(b)

This application became abandoned for failure to timely pay the issue and publication fees on or before October 2, 2006, as required by the Notice of Allowance and Fee(s) Due mailed June 30, 2006. A Notice of Abandonment was mailed on October 6, 2006.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue and publication fees ($1,400 and $300, respectively); (2) the $1,500 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.

Discussion of Petition under 37 CFR 1.313(c)(2)

Petitioner requests that, after the granting of the petition under 37 CFR 1.137(b) to accept late payment of the issue and publication fees, this application be withdrawn from issue for consideration of a submission (an amendment) under 37 CFR 1.114.

The petition is accompanied by an amendment and a request for continued examination (RCE) 37 CFR 1.114. In view of the above,

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

Petitioner is advised that the issue fee paid on October 6, 2006 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 2851 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

---

[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.*

23 MAR 2004

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SMITH-HILL & BEDELL
12670 NW Barnes Road
Suite 104
Portland, Oregon 97229

In re Application of: GOZDAWA	:	
U.S. Application No.: 10/250,524	:	
PCT No.: PCT/GB02/00402	:	DECISION
International Filing Date: 31 January 2002	:	
Priority Date: 09 February 2001	:	
Attorney's Docket No.: MESS 2758	:	
For: GAS LUBRICATED THRUST BEARING	:	

This decision is issued in response to applicants' "Reply To 371 Formalities Letter Mailed 10/30/2003" filed on 04 December 2003. No petition fee is required.

BACKGROUND

On 31 January 2002, applicants filed international application PCT/GB02/00402 which claimed a priority date of 09 February 2001 and which designated the United States. On 22 August 2002, a copy of the international application was communicated to the United States Patent And Trademark Office ("USPTO") by the International Bureau ("IB"). The deadline for payment of the basic national fee was thirty months from the priority date, i.e., 09 August 2003.

On 30 June 2003, applicants filed a transmittal letter for entry into the national stage in the United States accompanied by, among other materials, payment of the basic national fee and an executed declaration.

On 30 October 2003, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 and the surcharge for filing the declaration later than thirty months after the priority date were required. The Notification stated that the filed declaration could not be accepted because the inventor, identified on the international application as Julius Richard GOZDAWA, was identified on the declaration as Richard Julius GOZDAWA.

On 04 December 2003, applicants filed a response to the Notification Of Missing Requirements which included a statement from counsel regarding the discrepancy in the inventor's name, and payment of the $130 surcharge.

DISCUSSION

Section 605.04(b) of the Manual of Patent Examining Procedure states that, where a typographical or transliteration error in the spelling of an inventor's name is discovered, a petition is not required, nor is a new oath or declaration under 37 CFR 1.63 needed. The 04 December 2003 submission includes an attempt to explain the discrepancy between the name of the inventor in the declaration (Richard Julius GOZDAWA) and such inventor's name as set forth in the published international application (Julius Richard GOZDAWA) as a typographical error resulting from the inventor's use, at times, of both his first and middle names. However, the statement goes on to state that "the correct order of [the inventor's] given names is Julius Richard and the Declaration was completed accordingly." This statement is inconsistent with the filed declaration, which lists the given names in the opposite order (Richard Julius).

Further clarification is required as to the correct order of the inventor's given names and the above-noted discrepancies before the declaration filed on 30 June 2003 can be accepted under 37 CFR 1.497.

CONCLUSION

For the reasons discussed above, the explanation regarding the discrepancy in the inventor's name is considered insufficient to permit acceptance of the previously filed declaration.

Applicant has **ONE (1) MONTH** from the mail date of the present decision to file a proper response that either adequately explains the discrepancy in the inventor's name or includes an acceptable declaration under 37 CFR 1.497. This deadline is **not extendable** under 37 CR 1.136, but the period for response set in the Notification Of Missing Requirements may be extended under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

08 APR 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

#8

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SMITH-HILL & BEDELL
12670 NW Barnes Road
Suite 104
Portland, Oregon 97229

In re Application of: GOZDAWA	:	
U.S. Application No.: 10/250,524	:	
PCT No.: PCT/GB02/00402	:	DECISION CORRECTING
International Filing Date: 31 January 2002	:	INVENTOR'S NAME
Priority Date: 09 February 2001	:	
Attorney's Docket No.: MESS 2758	:	
For: GAS LUBRICATED THRUST BEARING	:	

In a decision issued by this Office on 26 March 2004, applicant was informed that, before the declaration filed by applicant on 30 June 2003 could be accepted, further clarification was required with respect to the applicant's given names.

On 31 March 2004, applicant filed the "Reply To Decision On Petition" considered herein. This submission confirms that the correct name for the applicant is Richard Julius GOZDAWA, as set forth on the declaration filed 30 June 2003. Based on this clarification, and applicant's previous submissions (interpreted herein as a statement that the original mistaken listing of the inventor's name in the international appplication was the result of a typographical error), the name of the applicant is accepted as Richard Julius GOZDAWA, as set forth in the declaration. Based on this correction of the inventor's name, the declaration filed on 30 June 2003 is no longer defective.

This application is being forwarded to the National Stage Processing Branch of the Office Of PCT Operations for further processing in accord with this decision. The applicant's name of record is corrected to Richard Julius GOZDAWA (as set forth in the filed declaration). The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 30 June 2003.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

27 SEP 2004

#10

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Michael K. Kelly
SNELL & WILMER LLP
One Arizona Center
400 E. Van Buren Street
Phoenix, AZ 85004-2202

In re Application of
RICHTER, Paul Wilhelm *et al*
U.S. Application No.: 10/250,525
PCT No.: PCT/IB02/04481
Int. Filing Date: 29 October 2002
Priority Date: 30 October 2001
Attorney Docket No.: 44155.0100
For: ORBITAL IMPLANT

DECISION ON PAPERS FILED UNDER 37 CFR 1.42

This is a decision on the declaration filed on 22 March 2004 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 25 June 2004, a Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) (Form PCT/DO/EO/905) was mailed indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) was required.

On 23 July 2004, applicants filed an executed declaration.

On 02 August 2004, a Notification of a Defective Response (Form PCT/DO/EO/916) was mailed indicating that the declaration filed 23 July 2004 was not in compliance with 37 CFR 1.497(a) and (b) because there are no legal documents regarding the executor for Michael Edward Thomas.

On 02 September 2004, applicants submitted a "Response to Notification of Defective response which was accompanied by, *inter alia*, a copy of the declaration filed 23 July 2004 and a copy of the Letters of Executorship for the deceased joint inventor, Michael Edward.

DISCUSSION

Proof of the authority of the legal representative in compliance with 37 CFR 1.44 is no longer required in the USPTO as of 08 September 2000.

Accordingly, the Notification of a Defective Response (Form PCT/DO/EO/916)

mailed 02 August 2004 was inappropriate and is hereby **VACATED**.

The declaration filed 23 July 2004 will be considered under 37 CFR 1.42 which states:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

A review of the declaration filed 23 July 2004 shows that it is signed by six of the seven joint inventors and Gert Hendrik Jacobus Coetzee as executor for Michael Edward Thomas. However, this declaration is not in compliance with 37 CFR 1.497(a) and (b). The citizenship, residence, and last mailing address of the legal representative must be recorded on the declaration as well as the information for all joint inventors, including any deceased joint inventor.

In this case, it appears that the information for the legal representative is included but not the information for the deceased joint inventor. The declaration must list the citizenship of each inventor. *See* 37 CFR 1.497(a)(3).

CONCLUSION

For the reasons listed above, the papers filed under 37 CFR 1.42 are **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

24 JAN 2005

#6

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Michael K. Kelly
SNELL & WILMER LLP
One Arizona Center
400 E. Van Buren Street
Phoenix, AZ 85004-2202

In re Application of	:	
RICHTER, Paul Wilhelm *et al*	:	
U.S. Application No.: 10/250,525	:	
PCT No.: PCT/IB02/04481	:	**DECISION ON**
Int. Filing Date: 29 October 2002	:	**PAPERS FILED**
Priority Date: 30 October 2001	:	**UNDER 37 CFR 1.42**
Attorney Docket No.: 44155.0100	:	
For: ORBITAL IMPLANT	:	

This is a decision on the declaration filed on 23 December 2004 which has been treated as a petition under 37 CFR 1.42. No fee is required.

BACKGROUND

On 27 September 2004, a decision dismissing applicants' petition under 37 CFR 1.42 was mailed. The declaration did not include all of the required information for the deceased joint inventor pursuant to 37 CFR 1.497.

On 23 December 2004, applicants submitted a response which included, *inter alia*, a one-month extension and fee and a new declaration signed by six joint inventors and the legal representative of the deceased joint inventor, Michael Edward Thomas.

DISCUSSION

The declaration filed 23 December 2004 was signed by six of the seven joint inventors and Gert Hendrik Jacobus Coetzee as executor for Michael Edward Thomas.

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

The citizenship, residence and address of all the joint inventors (including the deceased inventor) are listed on the declaration pursuant to 37 CFR 1.497(a)(3) and 37 CFR 1.63(c)(1). In addition, the citizenship, residence and address of the legal

representative are recorded on the declaration pursuant to 37 CFR 1.497(b)(2).

This declaration complies with 37 CFR 1.497(a) and (b).

CONCLUSION

The papers filed under 37 CFR 1.42 are **ACCEPTED**.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 23 September 2002, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 23 December 2004.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302

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P.O. Box 1450
Alexandria, VA 22313-1450
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WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA PA 19103

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OFFICE OF PETITIONS

In re Application of	:	
Weber	:	
Application No. 10/250,534	:	DECISION ON PETITION
Filed: December 18, 2003	:	TO WITHDRAW
Attorney Docket No. ABDT-0468/B000640	:	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 22, 2006.

The request is **NOT APPROVED**.

A grantable request to withdraw as attorney/agent of record must be signed by every attorney/agent seeking to withdraw or contain a clear indication that one attorney is signing on behalf of another/others. A request to withdraw will not be approved unless at least 30 (thirty) days would remain between the date of approval and the later of the expiration date of a time to file a response or the expiration date of the maximum time period which can be extended under 37 C.F.R. § 1.136(a).

The Office cannot approve the request at this time since the reasons provided do not meet any of the conditions under the mandatory or permissive categories enumerated in 37 CFR 10.40. Section 10.40 of Title 37 of the Code of Federal Regulation states, "[a] practitioner shall not withdraw from employment in a proceeding before the Office without permission from the Office[.]" More specifically, 37 CFR 10.40 states, "[i]f paragraph (b) of this section is not applicable, a practitioner may not request permission to withdraw in matter pending before the Office unless such request or such withdrawal is" for one the permissive reasons listed in 37 CFR 10.40(c). The reasons set forth in the request, "client's Legal Department will prosecute this application", does not meet any the conditions set forth in 37 CFR 10.40.

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

Telephone inquiries concerning this decision should be directed to April Wise at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: ABB INC.
LEGAL DEPARTMENT-4U6
29801 EUCLID AVENUE
WICKLIFFE, OH 44092

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ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA PA 19103

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OFFICE OF PETITIONS

In re Application of
Benjamin Weber
Application No. 10/250,534
Filed: December 18, 2003
Attorney Docket No. ABDT-0569

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 September 22, 2006.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Woodcock Washburn, LLP has been revoked by the assignee of the patent application on October 4, 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 applicant.

Telephone inquires concerning this decision should be directed to undersigned at 571-272-1642.

April M. Wise
Petitions Examiner
Office of Petitions

cc: ABB INC
LEGAL DEPT - 4U6
29801 EUCLID AVE
WICKLIFFE, OH 44092

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/250,534	12/18/2003	Benjamin Weber	ABDT-0569

CONFIRMATION NO. 9581

OC000000021230152

OC000000021230152

23377
WOODCOCK WASHBURN LLP
ONE LIBERTY PLACE, 46TH FLOOR
1650 MARKET STREET
PHILADELPHIA, PA 19103

Date Mailed: 11/15/2006

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 10/04/2006.

- 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.

April M Wise

APRIL M WISE
OP (571) 272-1642

FORMER ATTORNEY/AGENT COPY

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CONNOLLY BOVE LODGE & HUTZ, LLP
P O BOX 2207
WILMINGTON, DE 19899

Mail Date: 05/07/2010

Applicant	: Jens Lerchl	: DECISION ON REQUEST FOR
Patent Number	: 7615679	: RECALCULATION of PATENT
Issue Date	: 11/10/2009	: TERM ADJUSTMENT IN VIEW
Application No	: 10/250,553	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/02/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **742** 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.

10/250566

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ___

DATE : 11-3-05

TO SPE OF : ART UNIT 1616

SUBJECT : Request for Certificate of Correction on Patent No.: 6866869

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~~ South Tower
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 th scope or meaning of the claims be changed.

Check Claims

Certificates of Correction Branch

Thank You For Your Assistance

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

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

Comments:

EACH OF THESE REQUESTED CORRECTIONS ARE DUE TO OFFICE ERRORS.

SPE

1616
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Tradema

10/250566

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: ___

DATE : 11-3-05

TO SPE OF : ART UNIT 1616

SUBJECT : Request for Certificate of Correction on Patent No.: 6866869

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~~ South Tower
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 th scope or meaning of the claims be changed.

Check Claims

Certificates of Correction Branch

Thank You For Your Assistance

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

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

Comments:

Gary L. Kunz
SPE

1616
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Tradema

30 JAN 2004

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Jeffrey S. Boone
Mallinckrodt Inc.
675 McDonnell Blvd.
PO Box 5840
St. Louis, MO 63134

In re Application of
DEORKAR, Nandkumar V. et al.
Application No.: 10/250,570
PCT App. No.: PCT/US01/26107
International Filing Date: 21 August 2001
Priority Date: 29 August 2000
Attorney Docket No.: 1507 WO/US
For: FUNCTIONALIZED POLYMERIC MEDIA FOR SEPARATION OF ANALYTES

DECISION ON

PETITION

UNDER 37 CFR 1.181

This decision is in response to applicants' "Petition To Revive and Petition To Correct US Filing Date," filed 03 November 2003. It has been treated as a petition under 37 CFR 1.181.

BACKGROUND

On 21 August 2001, applicants filed international application PCT/US01/26107 which claimed priority to an application filed on 29 August 2000. Applicants elected the United States in a demand filed on 21 March 2002. The thirty month time period for entering the national stage expired at midnight on 28 February 2003.

On 01 July 2003, applicants filed a communication accompanied by a transmittal letter for entry into the national stage in the United States, a preliminary amendment, a copy of an Express Mail mailing label, a declaration and a postcard.

On 21 October 2003, the Office mailed Notification of Abandonment (Form PCT/DO/EO/905).

On 03 November 2003, applicants filed the instant petition.

DISCUSSION

A petition under 37 CFR 1.181 to accord a receipt date to paperwork that applicant claims was lost, must be accompanied by (1) a true copy of what applicant claims was originally submitted and (2) proof that the paperwork was submitted on a particular date.

Item (1) has been met. Applicants' statement that they were "re-sending" the application papers claimed to have been submitted on 12 February 2003, indicates that the submitted papers are a copy of those originally submitted.

Item (2) has been met. Applicants have supplied a postcard receipt and a copy of the Express Mail mailing label. The mailing label number is reflected on the transmittal letter and postcard receipt.

CONCLUSION

For the above reasons, applicants' petition under 37 CFR 1.181 is **GRANTED**.

The Notification of Abandonment mailed 21 October 2003 is hereby **VACATED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The 35 U.S.C. §371(c) date is 12 February 2003.

Erin M. Pender

Erin M. Pender
Attorney Advisor
PCT Legal Administration

Telephone: (703) 305-0455
Facsimile: (703) 308-6459

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Paper No. 3

JORDAN AND HAMBURG LLP
122 EAST 42ND STREET
NEW YORK, NY 10168

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AUG 18 2003
OFFICE OF PETITIONS

In re Application of :
Hirano et al. :
Application No. 10/250,598 :
Filed: July 24, 2001 :
Attorney Docket No. F-7092 :

ON PETITION

This decision concerns the October 16, 2002 "Petition under 37 CFR 1.10 to Accord Application a Filing Date and a Serial Number and Notify Applicants of the Same" for the above-referenced application, which is being properly treated as a petition under 37 CFR 1.10(e).

The petition is **GRANTED.**

Application Serial No. 10/250,598 was created subsequent to the filing of the instant petition, and was assigned to the papers submitted with the instant petition.

The instant petition was triggered by the fact that the application papers had been deposited in the U.S. Postal Service (USPS) "Express Mail Post Office to Addressee" service ("Express Mail") on July 24, 2001, but the USPTO record did not show existence of these papers.

Under 37 CFR 1.10(e), Applicants may petition the Commissioner to consider the papers as having been filed in the PTO on the day they were deposited in the USPS "Express Mail" provided that:

(1) The petition is filed promptly after Applicants became aware that the USPTO has no evidence of receipt of the application papers deposited in the "Express Mail" on July 24, 2001;[1]

(2) The number of the "Express Mail" mailing label was placed on the application transmittal prior to the July 24, 2001 mailing by "Express Mail";[2]

(3)[3] The petition includes:

---

[1] 37 CFR 1.10(e)(1).

[2] 37 CFR 1.10(e)(2). The "Express Mail" mailing label number, EL666237030US, appears in the copy of application transmittal submitted with the petition.

[3] 37 CFR 1.10(e)(3).

(a) a copy of the previously mailed application papers showing the "Express Mail" mailing label number;[4]

(b) a copy of any returned postcard receipt;[5]

(c) a copy of the "Express Mail" mailing label showing the "date-in";

(d) a copy of any other official notation by the USPS relied upon to show the date of deposit; and

(e)[6] a statement establishing, to the satisfaction of the Commissioner:
(I) deposit of the application papers on July 24, 2001;
(ii) items (a), (b), (c), (d) above are true copies of their respective originals.

The Office may require additional evidence in determining whether the application papers were indeed deposited as "Express Mail" with the USPS on July 24, 2001.[7]

The present petition has met the above requirements.

Specifically, with respect to item (3)(b), the copy of Applicants' postcard receipt enclosed with the petition indicates receipt by the USPTO on July 24, 2001 (for the invention identified by invention title, the first named inventor, and attorney docket number) of, *inter alia*, a 24-page specification including claims and an abstract, and 3 sheets of drawings.

In addition, the Office has verified through the database provided to the USPTO by the USPS that the papers mailed under mailing label number "EL666237030US" had been accepted by the USPS "Express Mail" on July 24, 2001 at 8:23 pm.[8]

In view of the above, the Office concludes that a 24-page specification and 3 sheets of drawings had been received in the USPTO on July 24, 2001 but were subsequently misplaced. The petition is thus granted. The Office sincerely apologizes for any inconvenience caused by the delay.

---

4 The instant petition encloses: an application transmittal bearing a "July 24, 2001" Certificate of Mailing by Express Mail, and containing an authorization to charge the $710 basic filing fee to a deposit account; a 24-page specification; 3 sheets of drawings; a Preliminary Amendment; and a Declaration and Power of Attorney.

5 MPEP section 503 (Rev. 1, Feb. 2003).

6 37 CFR 1.10(e)(4).

7 37 CFR 1.10(f).

8 Copy of printout attached.

The application is entitled to, and is hereby accorded, the requested filing date of July 24, 2001.

No petition fee is owed.

The application file is being returned to the Office of Initial Patent Examination for further processing with a filing date of July 24, 2001, using the duplicate papers submitted with the instant petition on October 16, 2002; for mailing of a filing receipt reflecting the July 24, 2001 filing date; and for indicating in the USPTO records that 3 sheets of drawings were present on filing. Upon completion of pre-examination, the application will be forwarded to the appropriate Technology Center for examination in due course.

Telephone inquiries should be directed to the undersigned at (703) 308-0763.

RC Tang
Petitions Attorney
Office of Petitions

Attachment: Printout of search of USPTO's USPS "Express Mail" Information Database

23 SEP 2004

#7

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John D. Titus
The Cavanagh Law Firm
1850 North Central Avenue
Phoenix, Arizona 85004

In re Application of	:	
CURRY et al.	:	
Application No.: 10/250,602	:	
PCT No.: PCT/US02/01033	:	DECISION ON PETITION
Int. Filing Date: 10 January 2002	:	
Priority Date: 11 January 2001	:	
Attorney Docket No.: 200UP059	:	
For: BUMPER AIRBAG SYSTEM	:	

This decision is in response to applicants' "Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office" filed on 04 February 2004, which is being treated as a Petition under 37 CFR 1.181.

BACKGROUND

On 10 January 2002, applicants filed international application PCT/US02/01033 which claimed a priority date of 11 January 2001. The international application named Paul Curry; Wesley Pack; Steve Hailstone; Jeffrey A. Baker; Robert V. McClenathan; and Michael T. Vecchio as applicant/inventors. Saeed David Barbat and Priyaranjan Prasad were later added as applicant/inventors under PCT Rule 92bis. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 11 July 2003.

On 01 July 2003, applicants filed a Transmittal Letter requesting entry into the national stage in the United States of America under 35 U.S.C. 371. Filed with the Transmittal Letter were, *inter alia*, the requisite basic national fee; a copy of the international application; an information disclosure statement; and a declaration executed by six of the eight inventors.

On 16 October 2003, the United States Designated Office (DO/EO/US) mailed a Notification Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a signed oath/declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) together with a surcharge payment were required. The Notification of Missing Requirements indicated that there are six inventors listed on the published application but eight inventors have been listed on the declaration and that inventors seven and eight had not executed the declaration. The notification set a two-month time limit in which to respond.

Application No.: 10/250,602

On 04 February 2004, applicants filed "Response to Notification of Missing Requirements under 35 U.S.C. 371 in the United States Designated/Elected Office" which included declarations executed by all eight inventors.

DISCUSSION

As stated above, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that a signed oath/declaration of the inventors in compliance with 37 CFR 1.497(a) and (b) was required. In response to the notification, applicants state that "the DO/EO/US observed only six inventors were listed in the published application but that eight inventors were listed on the Declaration. Applicants have enclosed for the reference of the DO/EO/US a copy of the corrected published PCT Application, which was corrected to include all inventors including Brabat and Prasad. These inventors signed a separate declaration . . . but was apparently overlooked by the DO/EO/US because of its different appearance." However, a review of the application file reveals that the declaration executed by Saeed David Barbat and Priyaranjan Prasad filed 01 July 2003 is not located therein and no evidence has been presented to show that the declaration (executed by Brabat and Prasad) was included with the papers filed on 01 July 2003. Therefore, applicants' petition under 37 CFR 1.181 is dismissed without prejudice.

As the declaration was filed after 30 months from the priority date, the required surcharge of $130 under 37 CFR 1.492(e) will be charged to Deposit Account No. 07-1625.

CONCLUSION

The petition under 37 CFR 1.181 is **DISMISSED** without prejudice.

The declaration and power of attorney filed 04 February 2004 will be considered a timely response to the Notification of Missing Requirements mailed 16 October 2003, and Deposit Account no. 07-1625 will be charged $420 for a two-month extension of time fee.

A review of the application file reveals that the requirements of 35 U.S.C. 371(c) for entry into the national stage in the United States of America have been completed. This application will be given an international application filing date of 10 January 2002 and a date of **04 February 2004** under 35 U.S.C. 371.

If reconsideration on the merits of this petition is desired, a proper response must be filed within **TWO (2) MONTH** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." No additional petition fee is required.

Application No.: 10/250,602

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, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel.: 703-308-6314
Fax: 703-308-6459

05 DEC 2003
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#4

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Diana Hamlet-Cox
Incyte Genomics Inc.
3160 Porter Drive
Palo Alto, CA 94304

In re Application of LU et al. Application No.: 10/250,613 PCT No.: PCT/US02/00178 Int. Filing Date: 04 January 2002 Priority Date: 04 January 2001 For: CYTOSKELETON-ASSOCIATED PROTEINS:	DECISION ON PETITION UNDER 37 CFR 1.182

This is a decision on applicant's "Communication Re: Inventor Name Change" treated as a petition under 37 CFR 1.182, filed with the United States Patent and Trademark Office (USPTO) on 02 July 2003. Applicant requests that the application reflect joint inventor Narinder K. Walia family name change from Narinder K. Walia to Narinder K. Chawla. The $130 petition fee was authorized to be paid from applicants' deposit account.

On 02 July 2003, within 30 months from priority date of the international application, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia*,: the requisite basic national fee and executed declarations. The published international application indicated that the inventor/applicant for the United States of America included Narinder K. Walia as a named joint inventor.

On 02 July 2003, applicant also filed the instant communication indicating that joint inventor Narinder K. Walia married and changed her family name to Narinder K. Chawla subsequent to the filing of the international application, along with an affidavit signed by Narinder K. Walia indicating the reason for the name change.

12/02/2003 BAZERRO 00000002 090100 10250613
01 FC1460 130.00 DA

DISCUSSION

As explained in MPEP 605.04(c), applicants must provide a signed affidavit setting forth both names and the procedure whereby the change of name was effected, or a certified copy of the court order. Here, applicant submitted the statement of Narinder K. Walia regarding her respective change of name. Applicant submitted her signed affidavit setting forth the procedure whereby the change of name was effected and identifying both names of applicant, Narinder K. Walia and Narinder K. Chawla. Thus, the evidence is sufficient to conclude that Narinder K. Walia changed her name by marriage to Narinder K. Chawla.

CONCLUSION

The petition under 37 CFR 1.182 to change the inventor's name Narinder K. Walia to Narinder K. Chawla is **GRANTED**.

The declaration submitted on 04 April 2003 is acceptable as filed. The application will be forwarded to the United States Designated/Elected Office for further processing. The 35 U.S.C. 371 date is **02 July 2003**.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: 703-306-5467

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OFFICE OF PETITIONS

MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO, CA 92130-2040

In re Application of	:	
BEUDEKER	:	
Application No. 10/250,626	:	DECISION ON PETITION
Filed: July 02, 2003	:	TO WITHDRAW
Attorney Docket No. 4662-335	:	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 30, 2006.

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

A review of the file record indicates that the power of attorney to MORRISON & FOERSTER LLP has been revoked by the assignee of the patent application on September 29, 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 applicant.

Telephone inquires concerning this decision should be directed to the undersigned at 571-272-6825.

Patricia Volpe
Petitions Examiner
Office of Petitions

cc: NIXON & VANDERHYE, PC
901 NORTH GLEBE ROAD, 11TH FLOOR
ARLINGTON, VA 22203

18 DEC 2003

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Zhibin Ren
Quarles & Brady LLP
411 East Wisconsin Ave.
Milwaukee, WI 53202-4497

In re Application of:	:	
Filutowicz, Marcin S.	:	DECISION ON
Application No.: 10/250,645	:	PETITION
PCT No.: PCT/US01/27028	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 30 August 2001	:	
Priority Date: 30 August 2000		
Docket No.: 960296.00084	:	
For: ANTI-MICROBIAL AGENTS	:	

This is in response to the petition filed 03 July 2003 under 37 CFR 1.137 (b) to revive the above-identified abandoned application for "unintentional" delay.

BACKGROUND

On 30 August 2001, applicant filed international application PCT/US01/27028, which claimed priority to an earlier application, filed 30 August 2000. A Demand for international preliminary examination, in which the United States of America was elected, was timely filed. Accordingly, the thirty month period for paying the basic national fee in the United States expired at midnight on 28 February 2003.

On 03 July 2003, the present petition was submitted. This petition further includes an authorization to charge Deposit Account No. 17-0055 the amount of basic national fee of $612.00. A Declaration executed by the inventor as required by 35 U.S.C.371 (c)(4) is not submitted with the present petition.

DISCUSSION

If the delay in reply by applicant or patent owner was unintentional, a petition may be filed pursuant to this paragraph to revive an abandoned application under 37 CFR 1.137(b). The petition must be accompanied by (1) the required reply, (2) the petition fee required by 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, and (4) a terminal disclaimer with disclaimer fee (only for utility and plant applications filed before 08 June 1995).

Regarding items (1) and (2), applicant furnished the U.S. Basic National Fee of $612.00 and petition fee of $650.00 payable via counsel's Deposit Account No. 17-0055.

Regarding item (3), the petition includes a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR

1.137(b) was unintentional signed by Carl Gulbrandsen, Managing Director of Wisconsin Alumni Research Foundation. However, Mr. Gulbrandsen is neither the applicant nor the applicant's representative. Mr. Gulbrandsen is indicated as a representative of the apparent Assignee. However, in this regard, no showing of assignment of right has been provided. Additionally, it is not readily apparent from Mr. Gulbrandsen's title he has apparent authority to sign on behalf of the organization. Therefore, item (3) has not been satisfied.

Regarding item (4), because the application filing date of 30 August 2001 is after 08 June 1995, the requirement of a terminal disclaimer with disclaimer fee is not applicable in this case.

Accordingly, in that applicant has not satisfied item (3), the petition cannot be properly granted at this time.

A review of the application file reveals that a declaration of the inventors has not been submitted.

CONCLUSION

The request to revive the application abandoned under 35 U.S.C. 1.137 (b) is **DISMISSED** without prejudice.

If reconsideration on the merits of this petition is desired, a proper response in the form of a renewed petition under 37 CFR 1.137 (b) must be filed including either a statement under 37 CFR 1.137(b)(3) from the appropriate party (see MPEP 711.03(c)(III)(E)), or a showing that Mr. Gulbrandsen is the appropriate party to make the statement. A proper response should also include an executed declaration with late fee payment.

The response must be filed within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this petition 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.

Shih-yung Hsieh
PCT Legal Detailee
PCT Legal Office
Telephone: (703) 308-6162
Facsimile: (703) 308-6459

Richard Cole
PCT Legal Examiner
PCT Legal Office

02 MAR 2004

#5

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Zhibin Ren
QUARLES & BRADY LLP
411 East Wisconsin Avenue
Milwaukee, WI 53202-4497

In re Application of
FILUTOWICZ, Marcin S.
U.S. Application No.: 10/250,645
PCT No.: PCT/US01/27028
Int. Filing Date: 30 August 2001
Priority Date: 30 August 2000
Attorney Docket No.: 960296.00084
For: ANTIOMICROBIAL AGENTS

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

Applicant's "Petition to Revive Pursuant to 37 CFR 1.137(b)" filed on 26 January 2004 is hereby **GRANTED** as follows:

In the initial petition, applicant failed to satisfy item (3) of 37 CFR 1.137(b). Specifically, the statement that "entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" was signed by Carl Gulbrandsen as Managing Director, Wisconsin Alumni Association. The prior decision dated 18 December 2003 noted that Mr. Gulbrandsen was not the applicant or his representative, but was indicated as the representative of the assignee. However, applicant failed to show an assignment of right in the above-captioned application. The decision also noted that the position of Managing Director does not have the apparent authority to sign on behalf of an organization.

In the renewed petition, applicant included a copy of a recorded assignment for U.S. application number 09/651,290 to which the above-captioned application claims priority. Applicant also included a copy of a Resolution, the surcharge fee of $65.00, and an executed declaration. A review of the papers filed shows that the assignment was signed by the sole inventor and is assigned to the Wisconsin Alumni Research Foundation (WARF).

It is first noted that petitioner states that "Mr. Carl Gulbrandsen has been appointed as registered agent and is authorized to execute patent applications and all other related documents on behalf of WARF." This statement alone is sufficient to show that Mr. Gulbrandsen may sign for WARF. *See* § 324 MPEP. Applicant also included a copy of a Resolution which authorizes Mr. Gulbrandsen to execute patent applications.

Applicant also claims that the assignment for the priority document covers a "U.S. or foreign application any of whose claims cover all or part of the Invention . . . Thus,

WARF is the assignee and applicant in the present case."

A review of U.S. application number 09/651,290 shows that the only inventor is listed as Marcin S. Filutowicz, who is also the sole inventor listed in the above-captioned national stage application. Therefore, the assignment of the priority document is sufficient to show that the assignee, WARF, has the right to act for the applicant. Item (3) of 37 CFR 1.137(b) is now satisfied.

All other items of 37 CFR 1.137(b) were completed in the initial petition.

The declaration submitted with the renewed petition is in compliance with 37 CFR 1.497(a) and (b). Applicant has completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 30 August 2001, under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 26 January 2004.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

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United States Patent and Trademark Office
P.O. Box 1450
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HOWSON AND HOWSON
ONE SPRING HOUSE CORPORATION CENTER
BOX 457
321 NORRISTOWN ROAD
SPRING HOUSE PA 19477

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OFFICE OF PETITIONS

ON PETITION

In re Application of :
Teruo Nakagami :
Application No. 10/250,658 :
Filed: July 3, 2003 :
Attorney Docket No. UED 12USA :

This is a decision on the petition filed September 29, 2004, which is being treated under 37 CFR 1.78(a)(3), to accept an unintentionally delayed claim under 35 U.S.C.§ 365(c) for the benefit of prior-filed PCT Application No. PCT/JP01/10860, filed December 11, 2001.

The petition is **DISMISSED AS MOOT** for the reasons stated below.

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 prior-filed PCT Application No. PCT/JP01/10860, filed December 11, 2001.

According to MPEP 1893.03(c), page 1800-199, a national stage application filed under 35 U.S.C. § 371 may not claim benefit of the filing date of the international application of which it is the national stage since its filing date is the date of filing of that international application. See also MPEP 1893.03(b). Accordingly, it is not necessary for the applicant to amend the first sentence of the specification to reference the international application number that was used to identify the application during international processing of the application by the international authorities prior to commencement of the national stage under 35 U.S.C. § 371. Therefore, the amendment filed with the instant petition will **not** be entered.

Additionally, the current procedure where a claim for priority under 37 CFR 1.78(a)(3) is not included in the first sentence of the specification or in an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR 1.78(a)(2). However, on the other hand, if the USPTO does not note the claim for

priority to the nonprovisional 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)(3).

In view of the above, the $1,330 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any questions concerning this decision on petition may be directed to Karen Creasy at (571)272-3208. 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 3677.

Karen Creasy

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

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FOLEY & LARDNER LLP
777 EAST WISCONSIN AVENUE
MILWAUKEE WI 53202-5306

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DEC 16 2009

OFFICE OF PETITIONS

In re Application of :
Timmerman :
Application No. 10/250,664 :
Filed: July 7, 2003 :
Attorney Docket No. 065691-0406 :
Title: Imunogenic Complex :
Comprising Ribosomes :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF THE PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705" filed September 29, 2009. This petition is properly treated under 37 C.F.R. §1.705(b). Applicant submits that the correct patent term adjustment to be indicated on the patent is one thousand one hundred eighty-four (1,184) days, not four hundred eighty-two (482) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants request this correction on the basis that the Office will take in excess of three years to issue this patent.

Applicants also request that a decision on this request for reconsideration of patent term adjustment be deferred or delayed until after a final decision has been rendered in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). There is no specific regulatory provision for requesting that a petition under 37 CFR 1.705 be held in abeyance.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for

continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required. The fee set forth in 37 CFR 1.18(e) is required and will not be refunded.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Charlema Grant at (571) 272-3215.

/Kery A. Fries/

Kery Fries
Senior Legal Advisor Attorney
Office of Patent Legal Administration
Office of Deputy Commissioner
For Patent Examination Policy

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reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Mail Date: 04/21/2010

Applicant	: Benedikt Timmerman	: DECISION ON REQUEST FOR
Patent Number	: 7651842	: RECALCULATION of PATENT
Issue Date	: 01/26/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/250,664	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 07/07/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1183** 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.

31 JAN 2005

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William P. Berridge
Oliff & Berridge, PLC
P.O. Box 19928
Alexandria, Virginia 22320

In re Application of	:	
Udo BUNTING et al.	:	
Application No.: 10/250,670	:	
PCT No.: PCT/EP02/00713	:	DECISION
International Filing Date: 24 January 2002	:	
Priority Date: 24 January 2001	:	
For: COMPACT ULTRA FAST LASER	:	

This decision is in response to applicants' REQUEST FOR CORRECTION OF PALM RECORDS and REQUEST FOR CORRECTED NOTIFICATION OF ACCEPTANCE OF APPLICATION both filed 18 November 2003 which are being treated together as a petition under 37 CFR 1.181 requesting correction of the date under 35 U.S.C. 371 to 06 August 2003 as opposed to 17 October 2003 and correction of the continuity data on the official filing receipt.

BACKGROUND

On 24 January 2002, applicants filed international application PCT/EP02/00713 claiming priority to an earlier application filed 24 January 2001. The international application designated the United States. Applicants' thirty month period for entering the United States national stage expired at midnight on 24 July 2003.

On 07 July 2003, applicants filed a Transmittal Letter (Form PTO-1390) for entry into the national stage in the United States under 35 U.S.C. 371, accompanied by, *inter alia*, the requisite basic national fee.

On 22 October 2003, the United States Designated/Elected Office (DO/EO/US) mailed a NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497(a) and (b) and the surcharge under 37 CFR 1.492(e) were required.

On 07 November 2003, the DO/EO/US mailed a NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) expressing a date under 35 U.S.C. 371 of 17 October 2003.

On 18 November 2003, applicants submitted the instant petition requesting that the date under 35 U.S.C. 371 be corrected to 06 August 2003 and requesting that the continuity data indicated on the official filing receipt be corrected to indicate that application number 09/768,167 is a continuation-in-part of application number 09/489,964. The petition was accompanied by a copy of a postcard receipt.

DISCUSSION

A review of the application file reveals that the declaration and surcharge were in fact filed on 06 August 2003 not 17 October 2003. Furthermore, applicant filed a preliminary amendment to the first line of the specification which expresses a chain of domestic priority and specifically indicates that application number 09/768,167 is a continuation-in-part of application number 09/489,964.

CONCLUSION

In view of the above, applicants' petition is **GRANTED**.

The NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495 (Form PCT/DO/EO/903) mailed 07 November 2003 is hereby **VACATED**.

The application is being returned to the DO/EO/US for issuance of a new Notification of Acceptance Under 35 U.S.C. 371 (Form PCT/DO/EO/903) and a new Filing Receipt indicating a date under 35 U.S.C. 371(c)(1), (2) and(4) of 06 August 2003 and for correction of the instant application's continuity data to indicate that application number 09/768,167 is a continuation-in-part of application number 09/487,964.

Michael A. Neas
PCT Special Program Examiner
Office of PCT Legal Administration

Richard Cole
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: 571-272-3289
Facsimile: 571-273-0459

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DENNISON, SCHULTZ
& MACDONALD
1727 KING STREET
SUITE 105
ALEXANDRIA VA 22314

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OFFICE OF PETITIONS

In re Patent No. 7,344,878	:	
Issue Date: 18 March, 2008	:	
Application No. 10/250,675	:	ON PETITION
Filed: 16 July, 2003	:	
Attorney Docket No. 03119	:	

This is a decision on the petition filed on 19 September, 2008, but not docketed until 5 October, 2009, treated as a request under 37 C.F.R. §3.81(b)[1] and §1.323 to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **GRANTED**.

Because Petitioner failed to include all of the required information in the petition of 19 September, 2008, the petition also is considered in light of Petitioner's submission of 10 April, 2008.

It is noted that Petitioner has made no inquiry regarding this matter (e.g., Status Inquiry) since the filing of the petition.

Petitioner requests issuance of a certificate of correction in the name of "Development Techniques Plastiques Holding (D.T.P. Holding)"

The regulations at 37 C.F.R. §3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid, the name of an assignee is provided. The regulations at 37 C.F.R. §3.81 (b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee but prior to issuance of a patent.

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

Patent and Trademark Office assignment records disclose that an assignment to Development Techniques Plastiques Holding (D.T.P. Holding) was recorded on 30 January, 2006, at Reel/Frame 17515/593. Thereafter the patent issued, as indicated above, on 18 March, 2008. (*See*, generally in this regard: MPEP §307.)

Petitioner states that the correct assignee's name is Development Techniques Plastiques Holding (D.T.P. Holding). and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee.

Accordingly, petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

The guidance in the Commentary at MPEP §307 provides:

> **307Issue to Assignee [R-3]**
>
> *35 U.S.C. §152. Issue of patent to assignee.*
> Patents may be granted to the assignee of the inventor of record in the Patent and Trademark Office, upon the application made and the specification sworn to by the inventor, except as otherwise provided in this title.
>
> **>
>
> *37 C.F.R. §3.81. Issue of patent to assignee.*
> (a)*With payment of the issue fee*: An application may issue in the name of the assignee consistent with the application's assignment where a request for such issuance is submitted with payment of the issue fee, provided the assignment has been previously recorded in the Office. If the assignment has not been previously recorded, the request must state that the document has been filed for recordation as set forth in §3.11.
> (b)*After payment of the issue fee*: Any request for issuance of an application in the name of the assignee submitted after the date of payment of the issue fee, and any request for a patent to be corrected to state the name of the assignee, must state that the assignment was submitted for recordation as set forth in § 3.11before 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.
> (c)*Partial assignees*. (1) If one or more assignee, together with one or more inventor, holds the entire right, title, and interest in the application, the patent may issue in the names of the assignee and the inventor.

(2)If multiple assignees hold the entire right, title, and interest to the exclusion of all the inventors, the patent may issue in the names of the multiple assignees.<

Normally, for a patent to issue to an assignee, a request for issuance of the application in the name* of the assignee* must be filed in the United States Patent and Trademark Office (Office) at a date not later than the day on which the issue fee is paid. **>Such a request must indicate that the assignment has been previously recorded in the Office. If the assignment has not been previously recorded in the Office, the request must state that the document has been filed for recordation as set forth in 37 C.F.R. §3.11. See 37 C.F.R. §3.81(a).

If a request for issuance to an assignee pursuant to 37 C.F.R. §3.81(b) is submitted after the day on which the issue fee is paid, the request under 37 C.F.R. §3.81(b) must include a request for a certificate of correction under 37 C.F.R. §1.323 (accompanied by the fee set forth in 37 C.F.R. §1.20(a)) and the processing fee set forth in 37 C.F.R. §1.17(i). The request under 37 C.F.R. §3.81(b) must state that the assignment was submitted for recordation as set forth in 37 C.F.R. §3.11 before issuance of the patent. The Office will issue a certificate of correction to reflect that the patent issued to the assignee provided the requirements of 37 C.F.R. §3.81(b) and 37 C.F.Rz. §1.323 are complied with.<

Only the first appearing name of an assignee will be printed on the patent where multiple names for the same party are identified on the **>Fee(s)< Transmittal form, PTOL-85B. Such multiple names may occur when both a legal name and an "also known as" or "doing business as" name is also included. This printing practice will not, however, affect the existing practice of recording assignments with the Office in the Assignment Division. The assignee entry on form PTOL-85B should still be completed to indicate the assignment data as recorded in the Office. For example, the assignment filed in the Office and, therefore, the PTOL-85B assignee entry might read "Smith Company doing business as (d.b.a.) Jones Company." The assignee entry on the printed patent will read "Smith Company."

Irrespective of whether the assignee participates in the prosecution of the application, the patent issues to the assignee if so indicated on the **>Fee(s)< Transmittal form PTOL-85B. Unless an assignee's name and address are identified Transmittal form PTOL-the applicant. Assignment will be based solely on >Assignment information updated after a patent is reflective of the assignment subsequent to the issuance assignment information an assignment search on and by inspecting the documents.<

A request for a certificate 37 CFR 1.323 (see MPEP from incomplete or erroneous furnished >, or a missing PTOL-85B will not be under 37 CFR 3.81(b) assignment was submitted in 37 CFR 3.11 before request under 37 CFR the Office of Petitions

(A)the *>processing< 1.17(*>i<);
(B)a request **>for the name of the assignee, corrected to state the name
(C)a statement that submitted for recordation 3.11before the issuance of the
(D)a **>request under 37 CFR 1.323 accompanied in 37 CFR 1.20(a).<

The regulations at 37 C.F.R. §3.81(b), effective June 25, 2004, provide:

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

The request was accompanied by a certificate of correction (and fee) as required by 3.81(b). Further, Office assignment records reflect assignment as set forth above.

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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.

Accordingly, because the request complies with the provisions of 37 C.F.R. 3.81(b), it is appropriate for a certificate of correction to be processed.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

---

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

Any questions concerning the issuance of a certificate of correction should be directed to the Certificates of Correction Branch at (571) 272-4200.

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

[3] 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.

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DENNISON, SCHULTZ
& MACDONALD
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SUITE 105
ALEXANDRIA VA 22314

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In re Patent No. 7,344,878	:	
Issue Date: 18 March, 2008	:	
Application No. 10/250,675	:	ON PETITION
Filed: 16 July, 2003	:	
Attorney Docket No. 03119	:	

This is a revision, sua sponte, of the 22 December, 2009, decision on the petition filed on 19 September, 2008, but not docketed until 5 October, 2009, treated as a request under 37 C.F.R. §3.81(b)[1] and §1.323 to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The decision of 22 December, 2009, is **vacated** and the petition is **DISMISSED**.

Because Petitioner failed to include all of the required information in the petition of 19 September, 2008, the petition also is considered in light of Petitioner's submission of 10 April, 2008.

Petitioner requests issuance of a certificate of correction from the name of "Development Techniques Plastiques Holding (D.T.P. Holding)" to the name of "Michel Maradan,"

The regulations at 37 C.F.R. §3.81(a) permits the patent to issue to the assignee, provided that, at the time the issue fee is paid, the name of an assignee is provided. The regulations at 37 C.F.R. §3.81 (b) permits the patent to issue in the name of an assignee if the assignment was submitted after payment of the issue fee but prior to issuance of a patent.

Patent and Trademark Office assignment records disclose that an assignment to Michel Maradan was recorded at Reel/Frame 01750/0608 on 27 January, 2006, but another assignment—this from

[1] *See* MPEP 1309, subsection II; and Official Gazette of June 22, 2004.

Michel Maradan to Development Techniques Plastiques Holding (D.T.P. Holding)—was recorded on 30 January, 2006, at Reel/Frame 17515/593. Thereafter the patent issued, as indicated above, on 18 March, 2008. (*See*, generally in this regard: MPEP §307.)

Petitioner states that the correct assignee's name is Michel Maradan and that the incorrect assignee's name was included on the Fee(s) Transmittal form PTOL-85(b) at the time of payment of the issue fee, however, as recited above, that is not consistent with the record, which evidences the correct assignee's name as Development Techniques Plastiques Holding (D.T.P. Holding).

Petitioner requests that a certificate of correction be issued to reflect the correct assignee on the front page of the Letters Patent in the patent to be issued from the application.

The regulations at 37 C.F.R. §3.81(b), effective June 25, 2004, provide:

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

Out of an abundance of caution, Petitioners always are reminded that those registered to practice and all others who make representations before the Office are reminded to inquire into the underlying facts of representations made to the Office and support averments with the appropriate documentation–since all owe to the Office the continuing duty to disclose.[2]

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.

Accordingly, because the request does not comply with the provisions of 37 C.F.R. 3.81(b), it is not appropriate for a certificate of correction in the form and substance sought to be processed.

---

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

Telephone inquiries regarding this decision may be directed to the undersigned at (571) 272-3214—it is noted, however, that all practice before the Office is in writing (see: 37 C.F.R. §1.2[3]) and the proper authority for action on any matter in this regard are the statutes (35 U.S.C.), regulations (37 C.F.R.) and the commentary on policy (MPEP). Therefore, no telephone discussion may be controlling or considered authority for Petitioner's action(s).

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

[3] 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.

AF / IFW 1762

Serial No. 10/250,690 PATENT

OIPE JC174
JUN 13 2005
PATENT & TRADEMARK OFFICE

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Daniel CORTAVITARTE PEREZ**	Docket No.: **CORT-0001** RPB REF: **CORT-0001**
Serial Number: **10/250,690**	Art Unit: **1762**
Filing Date: **July 18, 2003**	Examiner: **Frederick John PARKER**
Title: **JOINT-COVER RUBBER STRIP FOR PREPARING AND PAINTING TWO ADJACENT SURFACES SEPARATED BY A HOLLOW JOINT**	

REQUEST FOR WITHDRAWAL AS ATTORNEY OR AGENT

Approved 8/11/05
Jacqueline M. Stone
Jacqueline M. Stone, Director
Technology Center 1700

Sir:

The undersigned respectfully requests permission to withdraw as attorney or agent of record in the above-captioned application.

The undersigned has not been paid for a balance of $3,508.64 invoices as of February 2005. Prior to this, applicant has an outstanding balance of $403.62 delinquent since July of 2003. After repeated communications with the applicant and applicant's overseas counsel, there does not appear to be any indication that these invoices will ever be paid. No response has been received with regard to any communication sent by the undersigned to applicant's Spanish counsel.

An Amendment has been entered in the above-captioned application. Thus, applicant and applicant's representative have sufficient time (more than 30 days) to secure other counsel in this matter.

Serial No. 10/250,690 **PATENT**

Please direct all future correspondence to:

Juan F. Casero Lambas
Toledo, Lambas & Associates
C/ Uria 56-4° C
33003 Oviedo
SPAIN

If there are any additional papers or items necessary to complete this petition, the Office is encouraged to call the undersigned at 703-788-0340.

Respectfully submitted,

Robert P. Bell
Registration Number 34,546

Robert P. Bell
8033 Washington Road
Alexandria, Virginia 22308
(703) 768-0340

June 13, 2005

15 NOV 2006

UNITED STATES PATENT and TRADEMARK OFFICE

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

John W. Cladwell
Woodcock Washburn LLP
One Liberty Place – 46th Floor
Philadelphia, PA 19103

In re Application of	:	DECISION ON
Dirk Petersohn, et al	:	
Application No.: 10/250,691	:	
PCT No.: PCT/EP01/15179	:	PETITION UNDER
Int. Filing Date: 20 December 2001	:	
Priority Date: 03 January 2001	:	
Attorney Docket No.: HENK-0044	:	
For: METHOD FOR DETERMINING	:	37 CFR 1.181
HOMEOSTASIS OF THE SKIN	:	

This decision is in response to the "PETITION TO ACCORD CORRESPONDENCE FILING DATE SHOWN ON EXPRESS MAIL LABEL "DATE-IN" (37 CFR 1.10(C))" filed 23 March 2004, which is being treated as a petition under 37 CFR 1.181 requesting acceptance of the English translation, statement to support filing and submission of Sequence Listing, and a copy of the executed declaration filed on September 17, 2003 as filed on December 30, 2003. Applicants have submitted, inter alia, a copy of the 30 December 2003 PTO stamped itemized postcard receipt.

BACKGROUND

On 23 March 2004, applicants filed the present petition alleging the following papers the English translation, statement to support filing and submission of Sequence Listing, and executed declaration filed on September 17, 2003 as filed on December 30, 2003. A copy of the 30 December 2003 PTO stamped itemized postcard receipt has been submitted.

DISCUSSION

The itemized postcard provided lists, inter alia, the following items: Notification of Missing Requirements; Copy of executed Declaration/Power of Attorney (8 shts), English translation of Application (347 shts), and Sequence Listing in computer readable form (1 CD) and written form (865 pgs).

The postcard lists the above items and bears a USPTO date of stamp as 30 December 2003.

MPEP 503 provides:

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

Applicants' postcard is accepted as *prima facie* that the above papers were deposited with the U.S. Patent and Trademark Office on 30 December 2003.

Accordingly, the filing date for the submission of the above papers is 30 December 2003.

The Notification of Acceptance of Application (Form PCT/DO/EO/903) mailed on 20 February 2004 is **VACATED**.

DECISION

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

The application is being returned to the United States Designated/Elected Office (DO/EO/US) for processing in accordance with this decision, that is, for according this application a 35 U.S.C.§ 371 (c)(1), (c)(2), and (c)(4) date of this application is **30 December 2003.**

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (571) 272-3276
Facsimile: (571) 273-0459

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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MERCHANT & GOULD PC
P O BOX 2903
MINNEAPOLIS, MN 55402-0903

COPY MAILED

APR 0 4 2006

OFFICE OF PETITIONS

In re Application of
Leif Lundahl
Application No. 10/250,710
Filed: December 22, 2003
Attorney Docket No. 11709.61USWO

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition, filed March 23, 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 17, 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 3683 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the Information Disclosure Statement.

Frances Hicks
Petitions Examiner
Office of Petitions

C:\Documents and Settings\FHicks\My Documents\470\Apr9\250710.wpd

---

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

DATE : 3/31/08

Paper No.: _____

TO SPE OF : **Technology Center** 2621

10/250719

SUBJECT : Request for Certificate of Correction on Patent No.: 7263281 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.

Thank You For Your Assistance

Elisha Evans

Certificates of Correction Branch

Tel. No. 703-308-9390 EXT 110

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:

THAI Q. TRAN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600

SPE

2621

Art Unit

24 OCT 2006

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Steven W. Smith
Ericsson Inc.
6300 Legacy Drive, M/S EVR 1-C-11
Plano, Texas 75024

In re Application of BENGTSSON et al. Application No.: 10/250,752 Filed: December 29, 2003 Attorney Docket No.: P12274-US1 For: METHOD AND APPARATUS FOR SYNCHRONIZING ELECTRONIC AGENDAS	DECISION ON PETITION

This is a decision on the "Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 and 1.8(b)" filed March 03, 2006. Applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181 is **GRANTED**.

The above-identified application became abandoned for failure to file a proper reply in a timely manner to the "Notice under 37 CFR 1.251 -Pending Application" mailed December 30, 2004, which set a shortened statutory period for reply of three (3) months. Accordingly, this application became abandoned at midnight on March 30, 2005.

As stated above, on December 30, 2004, the United States Patent and Trademark Office mailed Notice under 37 CFR 1.251 -Pending Application requesting a copy of 'Response to pre-exam formalities notice, declaration, extension time, miscellaneous incoming letter dated March 2, 2004. Petitioner states in the present petition that no such documents were submitted on March 2, 2004 (See Exhibit B) and that the Notice was mailed in error. Therefore, the Notice under 37 CFR 1.251 -Pending Application was mailed in error and applicant's petition to withdraw the holding of abandonment under 37 CFR 1.181 is appropriately granted.

This application is being referred to Technology Center AU 3679.

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

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (571) 272-3298
Facsimile: (571) 273-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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KUNZLER & ASSOCIATES
8 EAST BROADWAY
SUITE 600
SALT LAKE CITY UT 84111

MAIL

JUL 1 2 2006

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of:
Masahiro SHIMIZU, et al.
Serial No.: 10/250,755
Filed: November 18, 2003
For: **RECORDING DEVICE AND CONTROLLER AND CONTROL METHOD FOR A RECORDING DEVICE**

DECISION *SUA SPONTE* WITHDRAWING HOLDING OF ABANDONMENT

This is a decision, *sua sponte*, withdrawing the holding of abandonment of the above-identified application.

A Notice of Allowability and Notice of Allowance and Issue Fee(s) Due with associated paperwork was mailed on November 17, 2005 setting a shortened statutory period of three months for filing the issue fee. No response to the Notice of Allowance and Issue Fee(s) Due was received. A Notice of Abandonment has not been mailed.

A review of the file record indicates that the Notice of Allowability and Notice of Allowance and Issue Fee(s) Due with associated paperwork mailed November 17, 2005 was returned to the Office as undeliverable. Thus, there was obviously an irregularity in mailing of the Office action.

Although no petition or request to withdraw the holding of abandonment has been filed, the holding of abandonment is hereby withdrawn.

The application is being returned to the Technology Center's technical support staff for preparing and mailing a new Notice of Allowance and Issue Fee(s) Due and re-mailing of the Notice of Allowability and Notice of Allowance and Issue Fee(s) Due with associated paperwork. The time period for paying the issue fee will run from the date of the new mailing.

Krista Zele
Special Programs Examiner
Technology Center 2600
Communications

13 MAY 2004

#4

UNITED STATES PATENT AND TRADEMARK OFFICE

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P.O. Box 1450
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ROBERT BECKER & ASSOCIATES
707 Highway 66 East, Suite B
Tijeras, NM 87059-7382

In re Application of: HAUSDORF, et al. U.S. Application No.: 10/250,784 PCT No.: PCT/EP01/00085 International Filing Date: 05 January 2001 Priority Date: None Attorney's Docket No.: LE/as 99013us For: MEDICAL METAL IMPLANTS THAT CAN BE DECOMPOSED BY CORROSION	DECISION ON PETITION UNDER 37 CFR 1.47(a) AND SUBMISSION UNDER 37 CFR 1.42

This communication is issued in response to applicants' submission on 09 April 2004, treated herein as a submission under 37 CFR 1.42 and a petition under 37 CFR 1.47(a). Deposit Account No. 02-1653 will be charged the required petition fee.

BACKGROUND

On 05 January 2001, applicants filed international application PCT/EP01/00085 which designated the United States. On 11 July 2002, a copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) by the International Bureau (IB). The deadline for submission of the basic national fee was thirty months from the international filing date, i.e., 05 July 2003.

On 05 July 2003, applicants filed a Transmittal Letter for entry into the national stage in the United States accompanied by, among other materials, payment of the small entity basic national fee.

On 09 October 2003, the United States Designated/Elected Office (DO/EO/US) mailed a Notification Of Missing Requirements (Form PCT/DO/EO/905) indicating that a translation of the international application into English, the processing fee for filing the translation later than thirty months after the international filing date, a declaration acceptable under 37 CFR 1.497, and the surcharge for filing the declaration later than thirty months after the international filing date were required.

On 09 April 2004, applicants filed a response to the Notification Of Missing Requirements (accompanied by payment for a four-month extension of time to respond). The response included payment of the required processing fee and surcharge, and an English translation of the international application. The submission also included an inventors'

declaration executed by two of the four surviving inventors and on behalf of deceased inventor Gerd HAUSDORF by his "Sole Heir" Jacqueline HAUSDORF. The declaration is not executed by the two remaining inventors, Matthias PEUSTER and Phan-Tan TAI, whom applicants claim have refused to sign the application materials.

DISCUSSION

A. Submission Under 37 CFR 1.42

As noted above, the declaration filed on 09 April 2004 was executed on behalf of deceased inventor Gerd HAUSDORF by his "Sole Heir" Jacqueline HAUSDORF. 37 CFR 1.42 states in part:

> In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

Section 409.01(a) of the MPEP states that the application can also be executed by all of the heirs of the deceased inventor, where no legal representative has been appointed or is required to be appointed by law.

37 CFR 1.497(b)(2) states:

> If the person making the oath or declaration or any supplemental oath or declaration is not the inventor (§§ 1.42, 1.43, or 1.47) the oath or declaration shall state the relationship of the person to the inventor, and, upon information and belief, the facts which the inventor would have been required to state. If the person is the legal representative of a deceased inventor, the oath or declaration shall also state that the person is a legal representative and the citizenship, residence, and mailing address of the legal representative.

Pursuant to 37 CFR 1.497(b)(2), the declaration must provide the citizenship, mailing address, and residence information for **both** the deceased inventor and the legal representative.

Here, the declaration filed 09 April 2004 specifically identifies Jacqueline HAUSDORF as the "Sole Heir" of the deceased inventor, and it includes separate citizenship, mailing address, and residence information for the deceased inventor and the sole heir. Accordingly, the declaration complies with the requirements of 37 CFR 1.42 and 1.497(b)(2) with respect to the signature provided on behalf of the deceased inventor.

It is noted that the submission of a declaration executed by the sole heir of the deceased inventor is hereby construed as an indication that no legal representative of the deceased's estate has been appointed and that no legal representative is required by the applicable law to be appointed. If this interpretation is incorrect, applicant is required to promptly notify this Office

of such and to submit a declaration properly executed by the legal representative of the deceased inventor in response to this decision.

B. Petition Under 37 CFR 1.47(a)

As noted above, applicant is seeking acceptance of the filed declaration without the signature of two of the inventors, Matthias PEUSTER and Phan-Tan TAI, whom applicants claim have refused to sign the application materials. This requires submission of a grantable petition under 37 CFR 1.47(a).

A grantable petition under 37 CFR 1.47(a) must be accompanied by: (1) the fee under 37 CFR 1.17; (2) a statement of the last known address of the nonsigning inventor; (3) an oath or declaration by the other inventors on behalf of the other inventors on behalf of themselves and the nonsigning inventor; and (4) factual proof that the inventor refuses to execute the application or cannot be reached after diligent effort.

Pursuant to the authorization contained in the present submission, Deposit Account No. 02-1653 will be charged the required petition fee. Accordingly, item (1) is satisfied.

With respect to item (2), the petition materials do not include an express statement of the last known addresses for the two nonsigning inventors. A statement with respect to Matthias PEUSTER's address is contained in the Jorg Meyer declaration. However, this declaration is unsigned and therefore is not an acceptable statement with respect to the contents therein. Thus, on the present record, item (2) has not been satisfied.

Regarding item (3), section 409.03(a) of the Manual of Patent Examining Practice (MPEP) states that:

> An oath or declaration signed by all the available joint inventors with the signature block of the nonsigning inventor(s) left blank may be treated as having been signed by all the joint inventors on behalf of the nonsigning inventor(s), unless otherwise indicated.

Here, applicants have filed a declaration executed by other inventors and including unsigned signature boxes identifying the nonsigning inventors. This declaration is treated as having been executed by the available inventors on their own behalf and on behalf of the nonsigning inventors. Item (3) is therefore satisfied.

Regarding item (4), the petition asserts that the nonsigning inventors have refused to execute the application. Before a refusal to execute the application can be claimed, section 409.03(d) of the MPEP requires that the nonsigning inventors be provided with a copy of the complete application, including specification, drawings and claims. The MPEP also requires "a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made."

Here, the evidence submitted by applicants to demonstrate that the nonsigning inventors have been presented with copies of the application and refused to sign is contained in two unsigned declarations (and the attachments thereto). One unsigned declaration, purportedly made by Dr. Andreas Lenzing, refers to nonsigning inventor Phan-Tan TAI; the second unsigned declaration, purportedly by Jorg Meyer, refers to nonsigning inventor Matthias PEUSTER. These unsigned declarations cannot be accepted as evidence of the facts set forth therein. Accordingly, the present submission does not satisfy item (4) above.

Based on the above, applicants have not, on the present record, satisfied all the requirements for a grantable petition under 37 CFR 1.47(a). Accordingly, acceptance of the application at the present time without the signatures of nonsigning inventors Phan-Tan TAI and Matthias PEUSTER would be inappropriate.

CONCLUSION

As discussed above, the declaration filed 09 April 2004 is acceptable under 37 CFR 1.42 with respect to deceased inventor Gerd HAUSDORF.

The petition under 37 CF 1.47(a) seeking acceptance of the application without the signatures of Phan-tan TAI and Matthias PEUSTER is **DISMISSED** without prejudice.

If reconsideration on the merits of the petition is desired, a proper response must be filed within **TWO (2) MONTHS** of the mail date of the present decision. Any request for reconsideration should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)" and must include the missing requirements discussed above, that is, a clear statement of the last known addresses of the nonsigning inventors and signed statements providing the firsthand and documentary evidence required to demonstrate that the nonsigning inventors have been presented with copies of the present application and have refused to sign the application papers (in the form required by the MPEP). Failure to file a proper response will result in abandonment of the application. Extensions of time are available under 37 CFR 1.136(a).

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

09 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
www.uspto.gov

ROBERT BECKER & ASSOCIATES
707 Highway 66 East, Suite B
Tijeras, NM 87059-7382

In re Application of:	:	
HAUSDORF, et al.	:	DECISION
U.S. Application No.: 10/250,784	:	
PCT No.: PCT/EP01/00085	:	
International Filing Date: 05 January 2001	:	
Priority Date: None	:	
Attorney's Docket No.: LE/as 99013us	:	
For: MEDICAL METAL IMPLANTS	:	
THAT CAN BE DECOMPOSED	:	
BY CORROSION	:	

In a decision issued by this Office on 13 May 2004, the declaration filed by applicants on 09 April 2004 was found acceptable under 37 CFR 1.42 with respect to deceased inventor Gerd HAUSDORF. However, applicants' accompanying petition under 37 CFR 1.47(a) seeking acceptance of the application without the signatures of inventors Phan-Tan TAI and Matthias PEUSTER was dismissed without prejudice for failure to satisfy the requirements of a grantable petition.

In a communication mailed by this Office on 14 June 2004, applicants' supplemental submission was found to satisfy some of the remaining requirements for a grantable petition. However, this communication noted that the submitted materials did not include a specific statement of the last known address for nonsigning inventor Phan-Tan TAI.

On 25 June 2004, applicants filed the "Further Letter In Response To Decision On Petition Under 37 CFR 1.47(a) And Submission Under 37 CFR 1.42" considered herein. The 25 June 2004 submission includes a revised statement from Dr. Andreas Lenzing that sets forth the last known address of Dr. Phan-Tan TAI. This submission therefore satisfies the final requirement for a grantable petition under 37 CFR 1.47(a).

CONCLUSION

Applicants' petition under 37 CFR 1.47(a) for acceptance of the application without the signature of inventors Phan-Tan TAI and Matthias PEUSTER is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the nonsigning inventors at the last known addresses set forth in the petition materials, and notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

For the reasons discussed in the previous decision mailed on 13 May 2004, the request for status under 37 CFR 1.42 with respect to deceased inventor Gerd HAUSDORF is **GRANTED**.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accord with this decision. The date under 35 U.S.C. 371 (c)(1), (c)(2), and (c)(4) is 09 April 2004.

Richard M. Ross
PCT Petitions Attorney
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

09 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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Dr. Phan-Tan Tai
Schaufelder Strasse 17
D-30167 Hanover
GERMANY

In re Application of: HAUSDORF, et al.
U.S. Application No.: 10/250,784
PCT No.: PCT/EP01/00085
International Filing Date: 05 January 2001
Priority Date: None
Attorney's Docket No.: LE/as 99013us
For: MEDICAL METAL IMPLANTS THAT CAN BE DECOMPOSED BY CORROSION

Dear Dr. TAI:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join 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.

Richard M. Ross
Attorney Advisor
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

Counsel Of Record:
ROBERT BECKER & ASSOCIATES
707 Highway 66 East, Suite B
Tijeras, NM 87059-738

09 SEP 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Dr. Matthias Peuster
Karntenos Str. 12
D-32545
Bad Deynhauser
GERMANY

In re Application of: HAUSDORF, et al.
U.S. Application No.: 10/250,784
PCT No.: PCT/EP01/00085
International Filing Date: 05 January 2001
Priority Date: None
Attorney's Docket No.: LE/as 99013us
For: MEDICAL METAL IMPLANTS THAT CAN BE DECOMPOSED BY CORROSION

Dear Dr. PEUSTER:

You are identified as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join 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.

Richard M. Ross
Attorney Advisor
PCT Legal Office
Telephone: (703) 308-6155
Facsimile: (703) 308-6459

Counsel Of Record:
ROBERT BECKER & ASSOCIATES
707 Highway 66 East, Suite B
Tijeras, NM 87059-738

05 FEB 2004

#3

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Ivor L. Elrifi
Mintz, Levin, Cohn, Ferris, Glovsky & Popeo, PC
One Financial Center
Boston, MA 02111

In re Application of	:	
Lipton	:	
Application No. 10/250,786	:	DECISION ON
PCT No.: PCT/US01/48516	:	
Int. Filing Date: 07 December 2001	:	PETITION UNDER
Priority Date: 07 December 2000	:	
Atty. Docket No.: 22531-504 NATL	:	37 CFR 1.137(b)
For: Methods For Treating Neuro-	:	
psychiatric Disorders With NMDA	:	
Receptor Antagonists	:	

This is in response to the petition under 37 CFR 1.137(b) filed on 07 July 2003.

BACKGROUND

This international application was filed on 07 December 2001, claimed an earliest priority date of 07 December 2000, and designated the U.S. A Demand electing the United States was filed prior to the elapse of 19 months from the priority date. The 30 month time period for paying the basic national fee in the United States expired at midnight on 09 June 2003 (since 07 June 2003 was a Saturday). This international application became abandoned with respect to the United States for failure to timely pay the required basic national fee.

DISCUSSION

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, unless previously filed; (2) the petition fee as set forth in § 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional; and (4) any terminal disclaimer (and fee as set forth in § 1.20 (d)) required pursuant to paragraph (c) of this section.

Regarding requirement (1), the basic national fee accompanied the petition.

Regarding requirement (2), the petition fee accompanied the petition.

Regarding requirement (3), the petition includes an appropriate statement.

Regarding requirement (4), no terminal disclaimer is required because the international filing date of this application is later than 8 June 1995.

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED** as to the national stage in the United States.

This application is being forwarded to the National Stage Processing Branch for further processing. Its date under 35 U.S.C. 371 (c)(1), (2) and (4) is **07 July 2003**.

Leonard Smith
PCT Legal Examiner
PCT Legal Office

George M. Dombroske
PCT Legal Examiner
PCT Legal Office
Tel: (703) 308-6721
Fax: (703) 308-6459

24 MAR 2004

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Rudolph J. Buchel
Jones, Day, Reavis & Pogue
P.O. Box 660623
Dallas, Texas 75266-0623

In re Application of	:	
CROSETTO, Dario	:	
Application No.: 10/250,791	:	DECISION ON PETITION
PCT No.: PCT/US01/15671	:	UNDER 37 CFR 1.137(b)
Inter. Filing Date: 15 May 2001	:	
Priority Date: 16 May 2000	:	
Attorney Docket No.: CROS002	:	
For: METHOD AND APPARATUS FOR ANATOMICAL AND FUNCTIONAL MEDICAL IMAGING	:	

This is a decision on applicant's "Renewed Petition for Revival of an Application for Patent Designating the U.S. Abandoned Unintentionally under 37 CFR 1.137(b)" filed 08 July 2003 which is being treated as a Petition for Revival under 37 CFR 1.137(b) in the above-captioned application.

BACKGROUND

On 16 May 2000, applicant filed international application PCT/US01/15671 which claimed a priority date of 16 May 2000. A Demand was not filed with the International Preliminary Examination Authority prior to the 19th month from the earliest claimed priority date. As a result, the deadline for payment of the basic national fee was to expire 20 months from the priority date, or at midnight on 16 January 2002.

On 25 November 2002, applicant filed, *inter alia*: a transmittal letter to the US Designated/Elected Office Concerning a Filing under 35 U.S.C. 371; a transmittal letter for a "Utility Patent Application"; an application containing a specification, including claims and drawings; a small entity statement; a Fee transmittal for FY 2003; PCT Power of Attorney; copy of the international application; an Information Disclosure Statement with references; an executed declaration of the inventors; and a petition and fee to revive the international application as to the United States under 37 CFR 1.137(b). In a decision dated 22 May 2003, the petition to revive was dismissed without prejudice because the reply submitted with the petition did not claim benefit under 35 U.S.C. 120 and 37 CFR 1.78 to the international application and therefore was not a continuing application. These papers were treated as an application filed under 35 U.S.C. 111(a) and were given application number 10/296,532.

On 08 July 2003, applicant filed a transmittal letter to the US Designated/Elected Office Concerning a Filing under 35 U.S.C. 371 which was accompanied by, *inter alia*,: the

basic national fee; a copy of the international application; an executed declaration; and the instant petition and fee to revive the international application as to the United States under 37 CFR 1.137(b). These papers were treated as an application filed under 35 U.S.C. 371 and were given application number 10/250,791.

DISCUSSION

A petition under 37 CFR 1.137(b) requesting that PCT/US01/15671 be revived as to the United States on the grounds of unintentional abandonment must be accompanied by (1) the required reply, (2) the petition fee required by law, (3) a statement that the "entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional," and (4) any terminal disclaimer and fee required pursuant to 37 CFR 1.137(c).

With regard to Item (1), the proper response was the payment of the basic national fee of $375.00.

As to Item (2), the appropriate petition fee of $640.00 as required by 37 CFR 1.17(m) was submitted. The petition fee has been transferred from application no. 10/296,532 to 10/250,791.

With regard to Item (3), applicant's statement that "the entire delay was unintentional" does not comply with 37 CFR 1.137(b)(3). However, the statement will be accepted and construed as meaning that "entire delay in filing the required reply from the due date for the reply until the filing of this petition under 37 CFR 1.137(b) was unintentional."

As to Item (4), the terminal disclaimer is not required since this application was filed after 08 June 1995.

CONCLUSION

All of the requirements of 37 CFR 1.137(b) have been met and applicant's petition to revive is **GRANTED**.

The application has an international filing date of 15 May 2001 under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of **08 July 2003**.

Applicant should use application number **10/250,791** in all future communications with the Patent and Trademark Office in regards to the U.S. national stage of international application PCT/US01/15671.

This application is being returned to the United States/Elected Office for processing in accordance with this decision.

Adjustment date: 03/25/2004 SWAJARRO
12/04/2002 MKAYPAGH 00000028 10296532
05 FC:2453 ~~640.00 OP~~

03/25/2004 SWAJARRO 00000149 500566 10250791
01 FC:2453 10.00 DA 640.00 OP

Application number 10/296,532 will be forwarded to the Office of Initial Patent Examination (OIPE) in accordance with the Decision dated 22 May 2003.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (703) 308-6314
Facsimile: (703) 308-6459

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P.O. Box 1450
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WEINGARTEN, SCHURGIN, GAGNEBIN &
LEBOVICI LLP
TEN POST OFFICE SQUARE
BOSTON, MA 02109

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MAR 08 2007

OFFICE OF PETITIONS

In re Application of	:
Rex Xiaofeng Ren et al	:
Application No. 10/250,801	: DECISION GRANTING PETITION
Filed: July 9, 2003	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. COVAL-119XX	:

This is a decision on the petition, filed March 7, 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 February 5, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1626 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

C:\Documents and Settings\FHicks\My Documents\470\Mar10\250801.wpd

---

[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new Part B – Fee(s) Transmittal Form (along with any balance due at the time of submission). Petitioner is advised that the Issue Fee Transmittal Form must be completed and timely submitted to avoid abandonment.*

08 OCT 03

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Jane M. Love
Hale and Dorr LLP
300 Park Avenue
New York, NY 10022

In re Application of
ADAMS et al.
Application No.: 10/250,802
PCT No.: PCT/US01/46927
Int. Filing Date: 09 November 2001
Priority Date: 13 November 2000
Attorney Docket No.: GEM-012US1
For: METHODS FOR DETERMINING THE BIOLOGICAL EFFECTS OF COMPOUNDS ON GENE EXPRESSION

DECISION ON PETITION
UNDER 37 CFR 1.137(b)

The petition to revive under 37 CFR 1.137(b) filed 08 July 2003 in the above-captioned application is hereby **GRANTED** as follows:

Applicants' statement that "the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" meets the requirements of 37 CFR 1.137(b)(3).

A review of the application file reveals that applicants have submitted the basic national fee of $360 and the requirements of 37 CFR 1.137(b) have been satisfied. Therefore, the request to revive the application abandoned under 35 U.S.C. 371(d) is granted as to the National stage in the United States of America.

This application is being returned to the United States Designated/Elected Office for processing in accordance with this decision.

Anthony Smith

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Telephone: (703) 308-6314
Facsimile: (703) 308-6459

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P.O. Box 1450
Alexandria, VA 22313-1450
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9 FEB 2006

Flynn Barrison
Darby & Darby, P.C.
P.O. Box 5257
New York, NY 10150-5257

In re Application of	:	
TWERSKY	:	
Application No.: 10/250,817	:	DECISION ON PETITION
PCT No.: PCT/IL02/00016	:	
Int. Filing Date: 08 January 2002	:	UNDER 37 CFR 1.181
Priority Date: 09 January 2001	:	
Atty Docket No.: 06727/1001822-US0	:	
For: IMPROVED APPARATUS AND METHODS FOR	:	
REPLACING DECORATIVE IMAGES WITH	:	
TEXT AND/OR GRAPHICAL PATTERNS	:	

This is a decision on applicant's "Second Request For Corrected Filing Receipt" filed 07 February 2006 in the United States Patent and Trademark Office (USPTO). The request is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 08 July 2003, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1).

On 16 October 2003, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of the inventor in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response.

On 06 January 2004, applicant filed an executed combined declaration and power of attorney accompanied by a petition for a one-month extension of time.

On 31 March 2004, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) indicating a 371 date of receipt of the 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) requirements as 04 January 2004.

On 07 February 2006, applicant filed the present petition claiming that the 371 requirements were satisfied on 06 January 2004.

DISCUSSION

Applicant has provided a legible copy of the receipt postcard which shows a USPTO date stamp, "OIPE JC102 Patent & Trademark Office JAN 06 2004." While the stamped postcard does not specifically identify the declaration and power of attorney; it does list the transmittal letter. The transmittal letter identifies the filing as a second submission of items and lists the declaration as the filed item. In addition, a review of the electronic file for this application shows the declaration therein. The evidence is sufficient to establish that the combined declaration and power of attorney for this application was received in the USPTO on 06 January 2004.

CONCLUSION

Applicant's petition under 37 CFR 1.181 is **GRANTED**.

The application will be given an international filing date of 08 January 2002 under 35 U.S.C. 363 and a date of **06 January 2004** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

The "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) mailed 31 March 2004 indicating a date of 04 January 2004 under 35 U.S.C. 371(c) is hereby **VACATED**.

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating the correct 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

08 MAY 2006

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Commissioner for Patents
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Alexandria, VA 22313-1450
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S. Peter Ludwig
Darby & Darby, P.C.
P.O. Box 5257
New York, NY 10150-5257

In re Application of
TWERSKY
Application No.: 10/250,817
PCT No.: PCT/IL02/00016
Int. Filing Date: 08 January 2002
Priority Date: 09 January 2001
Atty Docket No.: 06727/100L822-US
For: IMPROVED APPARATUS AND METHODS FOR REPLACING DECORATIVE IMAGES WITH TEXT AND/OR GRAPHICAL PATTERNS

DECISION ON PETITION

UNDER 37 CFR 1.10

This decision is in response to applicant's "Second Request For Corrected Filing Receipt" filed 01 May 2006 in the United States Patent and Trademark Office (USPTO). The submission is being treated as a petition under 37 CFR 1.10(c). No petition fee is required

BACKGROUND

On 08 January 2002, applicant filed international application PCT/IL03/00016, which claimed a priority date of 09 January 2001. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 18 July 2002. Pursuant to 37 CFR 1.495, the deadline for payment of the basic national fee in the United States was to expire 30 months from the priority date, 09 July 2003.

On 08 July 2003, applicant filed a transmittal letter for entry into the national stage in the United States accompanied by the requisite basic national fee.

On 16 October 2003, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) indicating an oath or declaration of the inventor and payment of appropriate surcharge was required. Applicant was afforded two months to file a proper response.

On 06 January 2004, applicant filed an executed declaration accompanied by a petition for a one-month extension of time and extension of time fee payment.

On 31 March 2004, applicant was mailed a "Notification of Acceptance" (Form PCT/DO/EO/903) which indicated a date of completion of the 35 U.S.C. 371 (c)(1), (c)(2) and (c)(4) requirements as 04 January 2004.

On 01 May 2006, applicant filed the petition considered herein.

DISCUSSION

37 CFR 1.10(c) states that an applicant filing correspondence under 37 CFR 1.10 which is received by the USPTO who can show that there is a discrepancy between the "Date-in" date on the Express Mail label and the date accorded by the USPTO may petition the Director to accord a filing date as of the "Date-in" on the mailing label provided that:

(1) The petition is filed promptly after the person becomes aware that the Office has accorded, or will accord, a filing date other than the USPS (United States Postal Service) deposit date;

(2) The number of the "Express Mail" mailing label was placed on the paper(s) or fee(s) that constitute the correspondence prior to the original mailing by "Express Mail;" and

(3) The petition includes a true copy of the "Express Mail" mailing label showing the "date-in," and of any other official notation by the USPS relied upon to show the date of deposit.

Applicant has satisfied all three items above and it is therefore proper to grant applicant's petition.

CONCLUSION

Applicant's petition under 37 CFR 1.10(c) is **GRANTED**.

The Form PCT/DO/EO/903 mailed 31 March 2004 is hereby **VACATED**.

The application will be given an international filing date of 08 January 2002 under 35 U.S.C. 363 and a date of **06 January 2004** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

This application is being returned to the United States Designated/Elected Office (US/DO/EO) for further processing in accordance with this decision, namely the issuance of a "Notification of Acceptance of Application Under 35 U.S.C. 371 and 37 CFR 1.494 or 1.495" (Form PCT/DO/EO/903) and a corrected filing receipt indicating a 371 date as detailed above.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (571) 272-3294
Fax: (571) 273-0459

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4/25-08

TO SPE OF : ART UNIT 3766

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/250831 Patent No.: 7260435

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.

Should C of C be approved

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

Certificates of Correction Branch

703-308-9390 ext. 117

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: OK TO ENTER ALL CHANGES.

Carl H. Layno
SPE

3766
Art Unit

PTOL-305 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

17 JUL 2003

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Stephen B. Heller
Cook, Alex, McFaron, Manzo, Cummings & Mehler, Ltd.
200 West Adams Street - Suite 2850
Chicago, IL 60606

In re Application of CARO et al	:	
U.S. Application No.: 10/250,840	:	
PCT Application No.: PCT/US01/42018	:	
Int. Filing Date: 05 September 2001	:	DECISION
Priority Date Claimed: 05 September 2000	:	
Attorney Docket No.: 0142-0005.05	:	
For: SCLERAL CLIP AND PROCEDURES FOR USING SAME	:	

This is in response to applicant's "Petition Under 37 CFR 1.10(e)" filed 01 July 2003, which is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 05 September 2001, applicant filed international application PCT/US01/42018, which claimed priority of an earlier United States application filed 05 September 2000. A copy of the international application was communicated to the USPTO from the International Bureau on 14 March 2002. The thirty-month period for paying the basic national fee in the United States expired on 05 March 2003.

On 05 March 2003, applicant purportedly filed national stage papers in the United States Designated/Elected Office (DO/EO/US).

On 01 July 2003, applicant filed the present petition under 37 CFR 1.181 along with a copy of the papers purportedly filed on 05 March 2003.

DISCUSSION

The evidence of record is sufficient to establish that the national stage papers were originally filed on 05 March 2003. Specifically, the copy of the return postcard, which includes the national stage papers in its itemized contents and which bears a USPTO date stamp of 05

March 2003, serves as *prima facie* evidence that the papers were received by the USPTO on 05 March 2003.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is GRANTED.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further processing in accordance with this decision including: (1) according the copy of the national stage papers an original receipt date of 05 March 2003 and (2) preparation and mailing of a Notification of Missing Requirements under 35 U.S.C. 371 (Form PCT/DO/EO/905) indicating that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

Bryan Tung
PCT Legal Examiner
PCT Legal Office

Telephone: 703-308-6614
Facsimile: 703-308-6459

23 FEB 2004

#6

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Mark W. Sincell
Williams, Morgan & Amerson
10333 Richmond, Suite 1100
Houston, TX 77042

In re Application of DAUBE, et al. U.S. Application No.: 10/250,849 PCT No.: PCT/GB02/00044 Int. Filing Date: 07 January 2002 Priority Date: 05 January 2001 Attorney Docket No.: 2086.003200/53-0023 PCT US For: A SEISMIC METHOD AND APPARATUS FOR GENERATING A SEMBLANCE PANEL AND COMPUTING THE REFLECTOR DIP	DECISION ON PETITION UNDER 37 CFR 1.47(a)

This decision is in response to the applicant's "PETITION UNDER 37 CFR § 1.47(a)" filed 20 October 2003 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 07 January 2002, applicant filed international application PCT/GB02/00044 which claimed priority to an earlier application filed 05 January 2001. The thirty-month period for paying the basic national fee in the United States expired at midnight on 05 July 2003.

On 01 July 2003, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by the requisite basic national fee as required by 35 U.S.C. 371(c)(1) and a declaration executed by co-inventor Francois DAUBE.

On 07 October 2003, applicant was mailed a "Notification of Missing Requirements" (Form PCT/DO/EO/905) informing applicant that an executed oath or declaration of co-inventor Mark RAINBOW in compliance with 37 CFR 1.497(a)-(b) was required. Applicant was afforded two months to file the required response.

On 20 October 2003, applicant filed the present petition under 37 CFR 1.47(a) to accept the filed declaration without the signature of co-inventor Mark RAINBOW.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by: (1) the requisite $130 petition fee required by 37 CFR 1.17(I); (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort; (3) a statement of the last known address of the missing joint inventor; and (4) an oath or declaration executed by each of the signing joint inventors on their behalf and on behalf of the non-signing joint inventor(s). Applicant has satisfied items (1), (3) and (4) above. Specifically, applicant has authorized the charging of the $130.00 petition fee to Deposit Account No.: 50-0786, and provided the last known address of the non-signing inventor and declaration executed by Francois DAUBE.

Regarding item (2), Section 409.03(d) of the Manual of Patent Examining Procedure (MPEP) states, in part:

> Where inability to find or reach a nonsigning inventor "after diligent effort" is the reason for filing under 37 CFR 1.47, an affidavit or declaration of facts should be submitted that fully describes the exact facts which are relied on to establish that a diligent effort was made.
>
> The fact that a nonsigning inventor is on vacation or out of town and is therefore temporarily unavailable to sign the declaration is not an acceptable reason for filing under 37 CFR 1.47. Such a petition will be dismissed as inappropriate.
>
> The affidavit or declaration of facts must be signed, where at all possible, by a person having firsthand knowledge of the facts recited therein. Statements based on hearsay will not normally be accepted. Copies of documentary evidence such as certified mail return receipt, cover letter of instructions, telegrams, etc., that support a finding that the nonsigning inventor could not be found or reached should be made part of the affidavit or declaration. It is important that the affidavit or declaration contain statements of fact as opposed to conclusions.

Presently, applicant has merely provided correspondence dealing with the international application. Pursuant to 37 CFR 1.47(a) applicant is required to show that an attempt has been made to present the non-signing inventor with a complete set of application papers and declaration for national stage entry. In addition, applicant has not provided any information as to whether a search of telephone directories or Internet search engines were performed in an attempt to find a current address for Mr. RAINBOW.

In light of the above it is not possible to grant applicant's petition under 37 CFR 1.47(a) at this time.

CONCLUSION

For the reasons stated above, applicant's petition under 37 CFR 1.47(a) is **DISMISSED without prejudice**.

Any reconsideration on the merits of this petition must be filed within **TWO (2) MONTHS** from the mail date of this decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)." Extensions of time may be obtained under 37 CFR 1.136(a).

Any further correspondence with respect to this matter should be directed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (703) 305-0130
Fax: (703) 308-6459

13 MAY 2004

#8

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Mark W. Sincell
Williams, Morgan & Amerson
10333 Richmond, Suite 1100
Houston, TX 77042

In re Application of DAUBE, et al. U.S. Application No.: 10/250,849 PCT No.: PCT/GB02/00044 Int. Filing Date: 07 January 2002 Priority Date: 05 January 2001 Attorney Docket No.: 2086.003200/53-0023 PCT US For: A SEISMIC METHOD AND APPARATUS FOR GENERATING A SEMBLANCE PANEL AND COMPUTING THE REFLECTOR DIP	DECISION ON RENEWED PETITION UNDER 37 CFR 1.47(a)

This decision is in response to applicant's "Renewed Petition Under 37 CFR 1.47(A) to file an Application When an Inventor Cannot be Reached" filed 22 April 2004 in the United States Patent and Trademark Office (USPTO).

BACKGROUND

On 23 February 2004, applicant was mailed a decision dismissing applicant's petition under 37 CFR 1.47(a). Applicant was afforded two months to file any request for reconsideration.

On 22 April 2004, applicant filed the present renewed petition.

DISCUSSION

As detailed in the decision mailed 11 March 2004, a petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(i), (2) factual proof that the missing joint investor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor. Applicant previously satisfied items 1, 3 and 4 above.

As to item (2), applicant has provided a sufficient documentation detailing diligent efforts to locate the non-signing inventor and obtain his signature on the declaration; including sending the inventor a declaration and complete set of application papers at his last known address. Sufficient time has elapsed from the mailing of the papers to inventor and applicant receiving no response from the inventor to satisfy this item.

CONCLUSION

For the reasons above, applicant's renewed petition under 37 CFR 1.47(a) is **GRANTED**.

The application has an international filing date of 07 January 2002 under 35 U.S.C. 363, and will be given a date of **01 July 2003** under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4).

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record. A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the DO/EO/US for processing in accordance with this decision. Specifically, the mailing of a Notification of Acceptance (Form PCT/DO/EO/903).

Derek A. Putonen
Attorney-Advisor
Office of PCT Legal Administration
Tel: (703) 305-0130
Fax: (703) 308-6459

13 MAY 2004

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ALEXANDRIA, VA 22313-1450
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Mr. Mark Rainbow
Schlumberger House, Buckingham Gate
Gatwick Airport
Gatwick, Sussex RH6 ONZ
UNITED KINGDOM

In re Application of
DAUBE, et al.
PCT No.: PCT/GB02/00044
Application No.: 10/250,849
Int. Filing Date: 07 January 2002
Priority Date: 05 January 2001
Atty. Docket No.: 2086.003200/53-0023 PCT
For: A SEISMIC METHOD AND APPARATUS FOR GENERATING A SEMBLANCE PANEL AND COMPUTING THE REFLECTOR DIP

Dear Mr. Rainbow:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternately, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of the appropriate oath or declaration by you pursuant to 37 CFR 1.63.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (703) 305-0130
Fax: (703) 308-6459

Mr. Mark W. Sincell
Williams, Morgan & Amerson
10333 Richmond, Suite 1100
Houston, TX 77042
United States of America

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Alexandria, VA 22313-1450
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AUG 13 2004

WENDEROTH, LIND & PONACK, L.L.P.
2033 K STREET N. W.
SUITE 800
WASHINGTON DC 20006-1021

In re Application of	:
Toshikazu Oki et al.	:
Serial No.: 10/250,862	: PETITION TO MAKE SPECIAL
Filed: July 9, 2003	:
Attorney Docket No.: 2003-0773A	:

This is in response to applicants' petition filed October 22, 2003, to make the above-identified application special under the provisions of 37 CFR 1.102(d).

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, VIII. Therefor the petition is **GRANTED**.

The application will be forwarded the examiner for action on the merits commensurate with this decision.

Should there be any questions with regard to this letter please contact Marianne C. Seidel by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0584 or by facsimile transmission at the general Office facsimile number, (703) 872-9306.

Marianne C. Seidel
Special Program Examiner
Technology Center 1600

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BAKER & BOTTS
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

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APR 21 2005

OFFICE OF PETITIONS

In re Application of
Kiyokazu ISHIZUKA et al.
Application No.10/250,864
Filed: July 9, 2003
Attorney Docket No.
A35899-PCT-USA074224.0113

: DECISION GRANTING PETITION
: UNDER 37 CFR 1.137(b)

This is a decision on the petition under 37 CFR 1.137(b), filed October 12, 2004, to revive the above-identified application.

The petition is **GRANTED**.

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 Fee(s) Due, mailed June 16, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on September 17, 2004.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of payment of the issue and publication fees; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the payment of the issue and publication fees is accepted as having been unintentionally delayed.

Telephone inquiries concerning this decision should be directed to Betsy L. Deppe at (571) 272-6052 or in her absence, the undersigned at (571) 272-3217.

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

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

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P.O. Box 1450
Alexandria, VA 22313-1450
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Date Mailed : 10-17-06

Patent No.: 7,105,499
Patent Issued : September 12, 2006
Inventor(s) S.S. Carroll, et. al.
Title: NUCLEOSIDE DERIVATIVES AS INHIBITORS OF RNA-DEPENDENT RNA VIRAL POLYMERASE
Docket No.: 20717yp

Re: Request for Certificate of Correction

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

The requested correction to column 137, line 6, claim 1, & col. 138, line 19, claim 2 is a change made in an Examiner's Amendment at time of allowance. Since no error is involved and applicant filed no objection prior to payment of the base issue fee, the requested change will not be included in the Certificate.

In view of the foregoing, your request is hereby denied. However, further consideration will be given upon receipt of a request for reconsideration directed to Decisions & Certificates of Correction Branch.

Eva James
For Cecelia B. Newman
Certificate of Correction Branch
(703) 308-9390 ext. 124 or ext. 102

Philippe L. Durette
Merck & Co., Inc.
P.O. Box 2000
Rahway, New Jersey 07065-0907

ej

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Jagtiani + Guttag
10363-A Democracy Lane
Fairfax, VA 22030

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OCT 3 1 2005

OFFICE OF PETITIONS

In re Application of	:	
Brett A. Swanon, et al.	:	
Application No. 10/250,880	:	ON PETITION
Filed: November 10, 2003	:	
Attorney Docket No. 4396-013	:	

This is a decision on the petition under 37 CFR 1.182, filed August 18, 2005, 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. Brett Anthony Swanon
2. Colin Irwin
3. Michael Goorevich

A Corrected Filing Receipt reflecting the change accompanies this decision.

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

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272- 3223.

Marianne E. Jenkins
Petitions Examiner
Office of Petitions

Attachment: Corrected Filing Receipt

29 JUL 2004

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

In re Application of	:	DECISION ON
Robert Conti et al	:	
PCT No.: PCT/GB02/00108	:	
Application No: 10/250,881	:	PETITION UNDER
Int. Filing Date: 11 January 2002	:	
Priority Date: 12 January 2001	:	
Attorney's Docket No.: 60,130-1846;00MRA0433	:	37 CFR 1.47(a)
For: APPARATUS FOR ACTUATING BRAKE	:	

This is in response to the "PETITION UNDER RULE 47(a)" filed on 10 May 2004. The petition fee of $130.00 has been paid by check.

BACKGROUND

On 11 January 2002, applicants filed international application PCT/GB02/00108, which claimed priority to an earlier application filed 12 January 2001. A copy of the international application was communicated by the International Bureau to the United States Patent and Trademark Office on 18 July 2002. The thirty-month (30) time period for paying the basic national fee in the United States of America expired at midnight on 12 July 2003.

On 10 July 2003, applicant filed in the United States Patent & Trademark Office a transmittal letter for entry into the national stage in the U.S. under 35 U.SC. 371, which was accompanied by, inter alia, the U.S. basic national fee. No executed oath or declaration was submitted at such time.

On 09 October 2003, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or Declaration of the inventors, in compliance with 37 CFR 1.497(a), and (b), identifying the application by International application number and international filing date" and $130.00 late oath or declaration surcharge must be submitted within two months from its 09 October 2003 date of mailing, in order to avoid abandonment of the national stage application.

On 10 May 2004, petitioner filed the present petition, a declaration in support of filing on behalf of omitted inventor Dietmar Knoop accompanied, inter alia, an executed Declaration without the signatures of Mr. Knoop.

DISCUSSION

A petition under 37 CFR 1.47(a) must be accompanied by (1) the fee under 37 CFR 1.17(h), (2) factual proof that the missing joint inventor refuses to execute the application or cannot be reached after diligent effort, (3) a statement of the last known address of the missing inventor, and (4) an oath or declaration by each 37 CFR 1.47(a) applicant on his or her own behalf and on behalf of the non-signing joint inventor.

Furthermore, section 409.03(d) of the Manual of Patent Examining Procedure (M.P.E.P.) **Proof of Unavailability or Refusal**, the relevant sections states, in part:

REFUSAL TO JOIN:

A refusal by an inventor to sign an oath or declaration when the inventor has not been presented with the application papers does not itself suggest that the inventor is refusing to join the application unless it is clear that the inventor understands exactly what he or she is being asked to sign and refuses to accept the application papers. A copy of the application papers should be sent to the last known address of the nonsigning inventor, or, if the nonsigning inventor is represented by counsel, to the address of the nonsigning inventor's attorney. 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 in order to sign the oath or declaration. It is noted that the inventor may obtain a complete copy of the application, unless the inventor has assigned his or her interest in the application, and the assignee has requested that the inventor not be permitted access. See **MPEP § 106**. It is reasonable to require that the inventor be presented with the application papers before a petition under **37 CFR 1.47** is granted since such a procedure ensures that the inventor is apprised of the application to which the oath or declaration is directed. *In re Gray*, 115 USPQ 80 (Comm'r Pat. 1956).

Where a refusal of the inventor to sign the application papers is alleged, the circumstances of the presentation of the application papers and of the refusal must be specified in a statement of facts by the person who presented the inventor with the application papers and/or to whom the refusal was made. Statements by a party not present when an oral refusal is made will not be accepted.

Proof that a *bona fide* attempt was made to present a copy of the application papers (specification, including claims, drawings, and oath or declaration) to the nonsigning inventor for signature, but the inventor refused to accept delivery of the papers or expressly stated that the application papers should not be sent, may be sufficient. When there is an express oral refusal, that fact along with the time and place of the refusal must be stated in the statement of facts. When there is an express written refusal, a copy of the document evidencing that refusal must be made part of the statement of facts. The document may be redacted to remove material not related to the inventor's reasons for refusal.

When it is concluded by the **37 CFR 1.47** applicant that a nonsigning inventor's conduct constitutes a refusal, all facts upon which that conclusion is based should be stated in the statement of facts in support of the petition or directly in the petition. If there is documentary evidence to support facts alleged in the petition or in any statement of facts, such evidence should be submitted. Whenever a nonsigning inventor gives a reason for refusing to sign the application oath or declaration, that reason should be stated in the petition.

Petitioner has satisfied requirements (1) – (2), and (3) of 37 CFR 1.47(a) but not requirement (4).

Regarding requirement (1), petitioner has provided the fee under 37 CFR 1.17(h).

Regarding requirement (2), the averments of Mr. John B. Jones are sufficient to support a finding that the nonsigning inventor, Mr. Knoop, refuses to sign because a complete copy of a copy of the application, assignment, and declaration and power of attorney was emailed to Dietmar Knoop requesting that he review the application and sign the assignment and declaration on November 18, 2003. No delivery failure was received for this transmission, and on December 28, 2003 Mr. Jones received confirmation that Mr. Knoop had received the email. On April 14, 2004, Mr. Jones sent an email to Mr. Knoop again requesting that he provide signed documents for the present application and to date Mr. Jones has not received a response.

Regarding requirement 3, petitioner has not provided a statement of the last known address of the missing inventor.

Am Sommerfeld 7
82067 Ebenhausen
Germany

Regarding requirement (4), petitioner has provided a defective executed composite declaration. The composite declaration is defective because it comprises of 1 page of the first sheet of the declaration, 2 pages of sheet 2 starting with inventor Conti, 3 pages of supplemental sheet starting with inventor Markus, and 2 pages of supplemental sheet 1 of 2 starting with inventor Holl. A composite declaration under 37 CFR 1.497(a) and (b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. In this case there appears to be no set that is complete because the number of sheets and numbering of sheets is confusing as to know what comprises a complete declaration. In addition it is unclear how many sets were provided to make a proper composite declaration.

Copies of the same page is not part of a proper declaration since it is considered a composite declaration and each must be a complete declaration with the proper statement and the names of each inventor even though each set of declarations may not have all the signatures of the inventors. Therefore, a proper declaration must consist of individual complete sets of declaration that taken as a whole would have all the required signatures as required under 37 CFR 1.497(a)(3).

Consequently, the petition does not satisfy all the requirements under 37 CFR 1.47(a).

CONCLUSION

The petition under 37 CFR 1.47(a) is **DISMISSED** without prejudice.

If reconsideration of the merits of the petition under 37 CFR 1.47(a) is desired, applicant must file a request for reconsideration within **TWO (2) MONTHS** from the mail date of this Decision. Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.47(a)."

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459

Leonard Smith
PCT Legal Examiner
PCT Legal Office

31 AUG 2004

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ALEXANDRIA, VA 22313-1450
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Anna M. Shih
Carlson, Gaskey & Olds, P.C.
400 West Maple Road, Suite 350
Birmingham, Michigan 48009

In re Application of	:	
CONTI et al.	:	
U.S. Application No. 10/250,881	:	DECISION ON PETITION
PCT No.: PCT/GB02/00108	:	UNDER 37 CFR 1.47(a)
Int. Filing Date: 11 January 2002	:	
Priority Date: 12 January 2001	:	
Attorney Docket No.: 60,130-1846;00MRA0433	:	
For: APPARATUS FOR ACTUATING BRAKE	:	

This decision is in response to applicant's "Transmittal of Declaration" which is being treated as Renewed Petition under 37 CFR 1.47(a) filed 12 July 2004. It is noted that the "Transmittal of Declaration" was received in the Office of PCT Legal Administration after the mailing the "Decision on Petition under 37 CFR 1.47(a)" mailed 29 July 2004.

The petition for status under 37 CFR 1.47(a) is moot since the declaration filed 12 July 2004 with the present renewed petition was executed by the named inventor, the previous non-signing inventor, Dietmar Knoop. However, a review of the declarations filed on 12 July 2004 reveals that the declaration is not in an acceptable form. Petitioner has provided a defective executed composite declaration. A composite declaration under 37 CFR 1.497(a)-(b) requires that the declaration must be complete and identify each inventor in each set of declarations provided. The composite declaration is defective because it contains multiple duplicate sheets. This suggests that the enclosed declaration was constructed from numerous complete declarations or that the inventors forwarded to counsel only the signature pages of the declaration. Either alternative renders the submitted declaration defective under 37 CFR 1.497. While each inventor need not execute the same oath or declaration, where individual declarations are executed, they must be submitted as individual declarations rather than combined into one declaration. (See MPEP 201.03 B. Oath or Declaration.)

CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.47(a) is **DISMISSED** as MOOT. A proper response, as discussed above, must be filed within the period for response set forth in the Decision mailed 29 July 2004 which is extendable up to a maximum of five months. As such, using the maximum period of extension available, applicant has until 01 March 2005 to file a proper response or the application will be held abandoned as to the United States.

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, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.

Anthony Smith
Attorney-Advisor
Office of PCT Legal Administration
Tel: (703) 308-6314
Fax: (703) 308-6459

22 DEC 2003

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Diana Hamlet-Cox
3160 Porter Drive
Palo Alto, California 94304

In re Application of	:
Tang et al.	:
US Application No.: 10/250,889	:
PCT Application No.: PCT/US02/01009	: DECISION ON PETITION TO
International Filing Date: 09 January 2002	: CHANGE INVENTOR NAME
Priority Date: 12 January 2001	: UNDER 37 CFR 1.182
Attorney's Docket No.: PT-1195 USN	:
For: MOLECULES FOR DIAGNOSTICS	:
AND THERAPEUTICS	:

This decision is in response to the "Petition under 37 CFR 1.182" filed on 09 July 2003 in the above-captioned application, requesting name change for one of the inventors.

BACKGROUND

On 09 January 2002, applicants filed international application PCT/US02/01009, which claimed priority of an earlier application filed on 12 January 2001. The period for paying the basic national fee is 30 months and ended at midnight on 12 July 2003.

On 09 July 2003, applicants filed a transmittal letter for entry into the national stage in the United States (Form PTO-1390), along with, *inter alia*, the $720.00 basic national fee , and a "COMMUNICATION RE INVENTOR NAME CHANGE" including an authorization to charge Deposit Account No. 09-0108 for additional fees, and a declaration executed by all inventors.

DISCUSSION

Under MPEP 605.04(c) (Rev. 1, Feb. 2003), when an inventor changes his/her name after the application has been filed and desires to use the new name in the application, a petition must be filed under 37 CFR 1.182, along with the requisite fee and (1) an affidavit signed by this inventor, and setting forth the procedure whereby the name change was effected; or (2) a certified copy of the court order effecting the name change.

Regarding item (1), the applicant with changed name submitted the "STATEMENT REGARDING NAME CHANGE" filed with the instant petition, signed by Jennifer L. Jackson, explains that her name has been changed from Hillman to Jackson due to marriage.

Accordingly, applicant has satisfied the requirement under 37 CFR 1.182 item (1). A petition fee of $130.00 will be charged to the counsel's Deposit Account 09-0108.

CONCLUSION

In view of the above, the petition is **GRANTED**.

The "Declaration for U.S. Patent Application" filed with the instant petition, with the grant of the petition, complies with the requirements of 37 CFR 1.497(a) and (b). Consequently, applicants have completed the requirements for acceptance under 35 USC 371(c). The application has an international filing date of 09 January 2002 under 35 USC 363, and a 35 USC 371 date of **09 July 2003.**

The applicant is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.

Shih-yung Hsieh
PCT Legal Detailee
PCT Legal Office
Telephone: (703) 308-6162
Facsimile: (703)-308-6459

Leonard Smith
PCT Legal Examiner
PCT Legal Office

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JUL 12 2004

ROYLANCE, ABRAMS, BERDO & GOODMAN, L.L.P.
1300 19TH STREET, N.W.
SUITE 600
WASHINGTON, DC 20036

In re Application of	:
Rembert Pieper et al	:
Serial No.: 10/250.898	: PETITION TO MAKE SPECIAL
Filed: July 9, 2003	:
Attorney Docket No.: 2003309-0062	:

This is in response to applicants' petition filed June 9, 2004, to make the above-identified application special under the provisions of 37 CFR 1.102(d) based on infringement.

Applicant has satisfied the provisions set forth in M.P.E.P. 708.02, II, relating to actual or potential infringement. Therefor 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 William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, P.O. Box 1450, Alexandria, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the Office general facsimile number 703-872-9306.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

7+

Paper No.: _____

DATE : December 21, 2006

TO SPE OF : ART UNIT 3673

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/250913 Patent No.: 7,121,554 B2

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

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

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

Elisha Evans
Certificates of Correction Branch

703-308-9390 ext. *110*

Thank You For Your Assistance

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

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

Comments: The insertion of field (30) is not approved

PdE 5-3-07

[signature] **SPE**

3673 **Art Unit**

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

02 FEB 2005

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BROWDY AND NEIMARK, P.L.L.C.
624 NINTH STREET, NW
SUITE 300
WASHINGTON DC 20001-5303

In re Application of GRINBERG et al. Application No.: 10/250,933 PCT No.: PCT/IL02/00043 Int. Filing: 16 January 2002 Priority Date: 16 January 2001 Attorney Docket No.: GRINBERG1 For: AMPHIPHILIC DERIVATIVES FOR THE PRODUCTION OF VESICLES, MICELLES AND COMPLEXANTS, AND PRECURSORS THEREOF	DECISION ON PETITION UNDER 37 CFR 1.181

This is a decision on applicants' "PETITION TO VACATE HOLDING OF ABANDONMENT", treated as a petition under 37 CFR 1.181, filed in the United States Patent and Trademark Office (USPTO) on 03 November 2004. No petition fee is required.

BACKGROUND

On 09 July 2003, applicants filed a Transmittal Letter to the United States Designated/Elected Office (DO/EO/US) Concerning a Filing Under 35 U.S.C. 371 (Form PTO 1390) along with, *inter alia*, the basic national fee.

On 21 October 2003, a Notification of Missing Requirements (Form PCT/DO/EO/905) was mailed to applicants indicating that additional claim fees of $1994 were due and that the nucleotide and/or amino acid sequence disclosure contained in this application, did not comply with the requirements; that is, an initial or substitute computer readable form (CRF) of the "Sequence Listing" and a paper copy must be provided.

On 04 November 2003, applicants filed a transmittal letter authorizing payment for any additional fees due and a preliminary amendment. These originally filed papers are located in the application file.

On 18 October 2004, a Notification of Abandonment was mailed to applicant indicating that applicant had failed to respond to the Notification of Missing Requirements within the time period set therein.

On 03 November 2004, in response to the Notification of Abandonment, applicant filed the instant response with a copy of 04 November 2003 response to Notification of Missing Requirements, including a copy of the transmittal letter, preliminary amendment and an itemized USPTO date-stamped postcard indicating that the preliminary amendment and transmittal letter were filed on 03 November 2003. Applicant also filed a copy of the Response to Sequence Listing Requirement filed via facsimile on 19 November 2003, which papers are not located in the application file.

DISCUSSION

The papers originally filed on 04 November 2003 are located in the application file. A review of the finance records for 10/250,933 does not indicate that fees for additional claims were charged to applicant's deposit account per the transmittal letter submitted on 04 November 2003.

In the petition, applicant states that "as the application does not contain any sequences with at least 4 amino acids or 10 nucleotides, the sequence rules do not apply to this application and therefore no sequence listing is necessary." A review of the application confirms this statement. Thus, the Notification of Missing Requirements requiring the filing of a computer readable form of the "Sequence Listing" and paper copy or compact disc of the sequence listing, was sent in error and is hereby VACATED. Furthermore, the Notification of Abandonment mailed 18 October 2004 was sent in error and is hereby VACATED.

CONCLUSION

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

For the reasons set forth above, the Notification of Missing Requirements mailed 21 October 2003 and the Notification of Abandonment mailed 18 October 2004 are hereby **VACATED**.

The application will be forward to the United States Designated/Elected Office for further processing including accessing and charging applicant's deposit account per his authorization the proper fees for claims in the above referenced application.

Cynthia M. Kratz
Attorney Advisor
PCT Legal Office

Telephone: (571) 272-3286
Facsimile: (571) 273-0459

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OFFICE OF PETITIONS

GLAXOSMITHKLINE
CORPORATE INTELLECTUAL PROPERTY, MAI B482
FIVE MOORE DR., PO BOX 13398
RESEARCH TRIANGLE PARK NC 27709-3398

In re Patent No. 7,446,097	: DECISION ON APPLICATION FOR
Issued: November 4, 2008	: PATENT TERM ADJUSTMENT and
Application No. 10/250,934	: NOTICE OF INTENT TO ISSUE
Filed: December 29, 2003	: CERTIFICATE OF CORRECTION
Dkt. No.: PLP453USw	:

This decision is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER § 37 CFR 1.705(d)", filed December 4, 2008.

Patentee requests that the determination of patent term adjustment be corrected from 742 days to 1,036 days.

The request for reconsideration of patent term adjustment is **GRANTED TO THE EXTENT INDICATED HEREIN**.

The application matured into U.S. Patent No. 7,446,097 on November 4, 2008 with a revised patent term adjustment of 742 days. The application was filed December 29, 2003. A request for continued examination was filed February 26, 2008. The Office determined that the 597 days of Office delay pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b)[1,2] overlaps with the 742

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[1] Pursuant to 35 U.S.C. 154(b)(1)(B), 37 CFR 1.702(b) provides, in pertinent part, that:

Failure to issue a patent within three years of the actual filing date of the application. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to issue a patent within three years after the date on which the application was filed under 35 U.S.C. 111(a) or the national stage commenced under 35 U.S.C. 371(b) or (f) in an international application, but not including:

(i) any time consumed by continued examination of the application requested by the applicant under section 132(b).

[2] As of the filing of the RCE on February 26, 2008, the application was pending three years and 597 days. The period commenced July 10, 2006, the day after the date that is 3 years after the national stage commenced under 35 USC 371(b) or (f) and ended February 26, 2008, the date that the RCE was filed.

days of Office delay pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1)[3,4] accorded prior to the filing of the request for continued examination. As such, the Office allowed only entry of the adjustment of 742 days. No additional days of patent term adjustment were entered at issuance under the three-year pendency provision.

On December 4, 2008, patentee timely submitted this request for reconsideration of patent term adjustment (with required fee), asserting that the correct number of days of Patent Term Adjustment is 1,036 days under the courts interpretation of the overlap provision as set forth in Wyeth v. Dudas, 580 F. Supp. 2d 138, 88 U.S.P.Q. 2d 1538 (D.D.C. 2008). Patentee asserts that pursuant to Wyeth, a PTO delay under §154(b)(1)(A) overlaps with a delay under §154(b)(1)(B) only if the delays "occur on the same day." Patentee maintains that the total non-overlapping PTO delay under §154(b)(1)(A) & (B) is 1,093 days (742 days + 351 days) as these periods do not occur on the same day. Further, patentee acknowledges a delay of 57 days (9 days pursuant to 37 CFR 1.704(c)(8) in connection with the IDS alleged to have been filed August 8, 2007 and 48 days in accordance with 37 CFR 1.704(b) in connection with the reply filed July 30, 2007). Thus, patentee asserts entitlement to an overall patent term adjustment of 1,036 days (1,093 days *less* 57 days).

Patentee's interpretation of the period of overlap has been considered, but found inconsistent with the Office's interpretation of the overlap provision, 35 U.S.C. 154(b)(2)(A). 35 U.S.C. 154(b)(2)(A) limits the adjustment of patent term, as follows:

> To the extent that the periods of delay attributable to grounds specified in paragraph (1) overlap, the period of any adjustment granted under this subsection shall not exceed the actual number of days the issuance of the patent was delayed.

As explained in *Explanation of 37 CFR 1.703(f)*[5] *and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, 69 Fed. Reg. 34283 (June 21, 2004), the Office

---

[3] 37 CFR § 1.702, provides grounds for adjustment of patent term due to examination delay under the Patent Term Guarantee Act of 1999 (original applications, other than designs, filed on or after May 29, 2000).

> (a) Failure to take certain actions within specified time frames. Subject to the provisions of 35 U.S.C. 154(b) and this subpart, the term of an original patent shall be adjusted if the issuance of the patent was delayed due to the failure of the Office to:
> (1) Mail at least one of a notification under 35 U.S.C. 132 or a notice of allowance under 35 U.S.C. 151 not later than fourteen months after the date on which the application was filed under 35 U.S.C. 111(a) or fulfilled the requirements of 35 U.S.C. 371 in an international application;

[4] A first Office action was mailed March 12, 2007, fourteen months and 742 days after the application filing date, December 29, 2003.

[5] Likewise, 37 CFR 1.703(f) provides that:

interprets 35 U.S.C. 154(b)(2)(A) as permitting either patent term adjustment under 35 U.S.C. 154(b)(1)(A)(i)-(iv), or patent term adjustment under 35 U.S.C. 154(b)(1)(B), but not as permitting patent term adjustment under both 35 U.S.C. 154(b)(1)(A)(i)-(iv) and 154(b)(1)(B). Accordingly, the Office implements the overlap provision as follows:

> 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 3 years after the filing date of the application, which overlap with the days of patent term adjustment accorded prior to the issuance of the patent will not result in any additional patent term adjustment. See 35 U.S.C. 154(b)(1)(B), 35 U.S.C. 154(b)(2)(A), and 37 CFR § 1.703(f). See *Changes to Implement Patent Term Adjustment Under Twenty Year Term; Final Rule*, 65 Fed. Reg. 54366 (Sept. 18, 2000). See also *Revision of Patent Term Extension and Patent Term Adjustment Provisions; Final Rule*, 69 Fed. Reg. 21704 (April 22, 2004), 1282 Off. Gaz. Pat. Office 100 (May 18, 2004).

Further, as stated in the *Explanation of 37 CFR 1.703(f) and of the United States Patent and Trademark Office Interpretation of 35 U.S.C. 154(b)(2)(A)*, the Office has consistently taken the position that if an application is entitled to an adjustment under the three-year pendency provision of 35 U.S.C. 154(b)(1)(B), the entire period during which the application was pending before the Office (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 relevant period 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).

This interpretation is consistent with the statute. Taken together the statute and rule provide that to the extent that periods of delay attributable to grounds specified in 35 U.S.C. 154(b)(1) and in corresponding §1.702 overlap, the period of adjustment granted shall not exceed the actual number of days the issuance of the patent was delayed.

In this instance, the relevant period 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) is the period during which the application was pending before the Office beginning on the date the application fulfilled the requirements of 35 U.S.C. 371 in an international application, December 29, 2003, and ending on the date of filing of a request for continued examination (RCE), February 26, 2008 (not including any other periods excluded under 35 U.S.C. 154(b)(1)(B)(i)-(iii)). The relevant period ends with the filing of the RCE as the three-year time frame specified in 35 U.S.C. 154(b)(1)(B) does not include the period subsequent to the filing of the RCE. 35 U.S.C. 154(b)(1)(B)(i).

To the extent that periods of delay attributable to the grounds specified in §1.702 overlap, the period of adjustment granted under this section shall not exceed the actual number of days the issuance of the patent was delayed.

Pursuant to 35 U.S.C. 154(b)(1)(A) and 37 CFR 1.702(a)(1), 742 days of patent term adjustment were accorded during the pendency of the application for Office delay prior to the filing of the request for continued examination. No further Office delay accrued subsequent to the filing of the request for continued examination. Pursuant to 35 U.S.C. 154(b)(1)(B) and 37 CFR 1.702(b), 596 days of patent term adjustment accrued for Office issuance of the patent more than three years after the filing date of the application.

All of the 597 days of patent term adjustment under 37 CFR 1.702(b) overlap with the 742 days of patent term adjustment under 37 CFR 1.702(a)(1). Entry of both the 597 days and the 742 days is neither permitted nor warranted given that 742 days is the actual number of days issuance of the patent was delayed.

Accordingly, at issuance, the Office properly entered 742 days of patent term adjustment, having considered the 597 days of Office delay under the three-year pendency provision.

A review of the record reveals that as advised by patentee, the Office neglected to assess reductions for applicant's failure to engage in reasonable efforts to conclude prosecution.

The adjustment of 742 days is properly reduced 48 days in accordance with 37 CFR 1.704(b), as indicated by patentee, in connection with the reply filed July 30, 2007. The reduction commenced June 13, 2007, the day after the date that the non-final Office action was mailed, and ended July 30, 2007, the date that the reply thereto was filed.

As further indicated by patentee, the adjustment is further reduced in accordance with 37 CFR 1.704(c)(8) in connection with the supplemental reply filed August 9, 2007. The adjustment of 742 days is properly reduced 10 days, and not nine days as indicated by patentee. The reduction commenced July 31, 2007, the day after the date that the initial reply was filed, and ended August 9, 2007, the date that the supplemental reply (information disclosure statement) was filed.

Further review of the record reveals that the Office neglected to assess a reduction of 37 days in accordance with 37 CFR 1.704(c)(8) in connection with the supplemental reply (amendment) filed April 2, 2008. The reduction commenced February 27, 2008, the day after the date that the initial reply (RCE) was filed and ended April 2, 2008, the date that the supplemental reply (amendment) was filed.

In view thereof, at the time of issuance, the patent was entitled to an overall adjustment of 647 days (adjustment totalling 742 days less reductions of 95 days).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of this decision must be submitted within ONE MONTH of the mail date indicated herein. The time period for seeking reconsideration is not subject to extension under 37 CFR 1.136.

This application file will be forwarded to the Certificate of Corrections branch for issuance of a certificate of correction to indicate that the term of this patent is extended or adjusted under 35 U.S.C. 154(b) by 647 days.

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

Alesia M. Brown
Petitions Attorney
Office of Petitions

Enclosure: Draft Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT	:	7,446,097 B2
DATED	:	November 4, 2008
INVENTOR(S)	:	Mercep, 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 742 days

Delete the phrase "by 742 days" and insert – by 647 days--

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George A. Loud, Esquire
BACON & THOMAS
Fourth Floor
625 Slaters Lane
Alexandria VA 22314-1176

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OFFICE OF PETITIONS

In re Application of	:	
Nakatani et al.	:	
Application No. 10/250937	:	DECISION
Filing or 371(c) Date: 12/22/2003	:	ON PETITION
Patent No.: 7238689	:	
Issue Date: 07/03/2007	:	
Attorney Docket No.: KOB-C348	:	

This is a decision on the "Request for Certificate of Correction Under 37 CFR 3.81(b)," filed November 8, 2007, to correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction. The delay in treating this petition is regretted.

The Petition is **granted**.

The petition was accompanied by a certificate of correction as required by 3.81(b), and the fee submitted with the present petition. Further, Office assignment records reflect that Kumai Chemical Industry Co., Ltd., is an assignee of record. As the request complies with the provisions of 37 CFR 3.81(b), it would be appropriate for a certificate of correction to be processed.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificate of Correction Branch at (571) 272-4200.

This matter is being referred to the Certificates of Correction Branch for processing of a certificate of correction after issuance of this application into a patent.

Derek L. Woods
Attorney
Office of Petitions

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SUITE 500
3000 K STREET NW
WASHINGTON DC 20007

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OFFICE OF PETITIONS

In re Patent No. 7,452,894	:	DECISION ON REQUEST
Gillespie et al.	:	FOR
Issued: November 18, 2008	:	RECONSIDERATION OF
Application No. 10/250,941	:	PATENT TERM ADJUSTMENT
Filed: January 10, 2002	:	and
Atty Docket No. 040283-0206	:	NOTICE OF INTENT TO ISSUE
	:	CERTIFICATE OF CORRECTION

This is a decision on the petition filed on January 16, 2009, 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 three hundred eight (308) 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 three hundred eight (308) days[1] is **GRANTED to the extent indicated herein.**

---

[1] The "B" delay period is 433 days, not 371 days. Patentees calculated this period based on the date this application fulfilled the requirements of 35 U.S.C. 371. However, in an international application, this period is based on the failure of the Office to issue a patent within three years after the national stage commenced under 35 U.S.C. 371(b) or (f). See 1.702(b). The priority date of this application is January 10, 2001. As early commencement was not requested, the national stage commenced in this application thirty months later, on July 10, 2003. Thus, "B" delay is 433 days, counting the number of days beginning on July 11, 2006 and ending on November 18, 2007, the day before the RCE was filed, minus the excluded period of appellate review, from the filing of the Notice of Appeal on September 17, 2007 to the day before the RCE was filed, November 18, 2007. See 1.703(b).

The Office will *sua sponte* issue a certificate of correction. Pursuant to 37 CFR 1.322, the Office will not issue a certificate of correction without first providing assignee or patentee an opportunity to be heard. Accordingly, patentees are given **one (1) month or thirty (30) days**, whichever is longer, from the mail date of this decision to respond. No extensions of time will be granted under § 1.136. See 37 CFR 1.323(a)(4).

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). This fee is required and will not be refunded. 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 three hundred seventy **(370)** days.

Telephone inquiries specific to this matter should be directed to Senior Petitions Attorney Shirene Willis Brantley at (571) 272-3230.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

DRAFT

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT : 7,452,394 B2

DATED : November 18, 2008

INVENTOR(S) : Roger John Gillespie, 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 (114) days

Delete the phrase "by 114 days" and insert – by 370 days--

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UNITED STATES DEPARTMENT OF COMMERCE
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FOLEY AND LARDNER LLP
SUITE 500
3000 K STREET NW
WASHINGTON, DC 20007

Mail Date: 05/03/2010

Applicant	: Roger John Gillespie	: DECISION ON REQUEST FOR
Patent Number	: 7452894	: RECALCULATION of PATENT
Issue Date	: 11/18/2008	: TERM ADJUSTMENT IN VIEW
Application No	: 10/250,941	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/13/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **626** 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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745 SOUTH 23RD STREET
2ND FLOOR
ARLINGTON, VA 22202

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OFFICE OF PETITIONS

In re Application of :
Ersilio Re :
Application No. 10/250,945 :
Filed: July 9, 2003 :
Attorney Docket No. 2502-1031 :

ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed September 12, 2005, to withdraw the holding of abandonment.

The petition is **GRANTED**.

This application became abandoned for failure to timely pay the issue fee and publication fee, if applicable, on or before May 2, 2005. Accordingly, this application became abandoned on May 3, 2005.

Petitioner asserts the Notice of Allowance and Notice of Allowability were not received. The showing required to establish non-receipt of an Office communication must include a statement from the practitioner stating that the Office communication was not received by the practitioner and attesting to the fact that a search of the file jacket and docket records indicates that the Office communication was not received. A copy of the docket record where the non-received Office communication would have been entered had it been received and docketed must be attached to and referenced in practitioner's statement. See Withdrawing the Holding of Abandonment When Office Actions Are Not Received; Notice 1156 Off. Gaz. Pat. Office 53 (November 16, 1993).

The required statements and docket records have been submitted. As such, the petition is granted and the holding of abandonment is withdrawn.

The file is being forwarded to Technology Center 3700 for re-mailing of the Notice of Allowance and Notice of Allowability with a new period for response.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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OFFICE OF PETITIONS

In re Application of	:	
Yoram Eshel et al	:	
Application No. 10/250,955	:	ON PETITION
Filed: December 12, 2003	:	
Attorney Docket No. 6727/0N005	:	

This is a decision on the petition filed June 14, 2007 under the unintentional provisions of 37 CFR 1.137(b), 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 continuing application under 37 CFR 1.53(b); (2) the petition fee of $750; and (3) a proper statement of unintentional delay.

This application is being revived solely for purposes of continuity. As continuity has been established by this decision, the application is again abandoned in favor of continuing application No. 11/808,632.

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 extension of time submitted with the petition on June 14, 2007 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account.

Any questions concerning this matter may be directed to Irvin Dingle at (571) 272-3210.

Irvin Dingle
Petitions Examiner
Office of Petitions

27 MAY 2004

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489 Fifth Avenue
New York, NY 10017

In re Application of LUMB et al	:	
U.S. Application No.: 10/250,958	:	
PCT Application No.: PCT/GB02/00040	:	DECISION
Int. Filing Date: 07 January 2002	:	
Priority Date Claimed: 11 January 2001	:	
Attorney Docket No.: P/63172	:	
For: FIREWALL WITH INDEX TO ACCESS RULE	:	

This is in response to applicant's "Petition Under Rule 181" filed 30 January 2004.

BACKGROUND

On 07 January 2002, applicant filed international application PCT/GB02/00040, which claimed priority of an earlier United Kingdom application filed 11 January 2001. A copy of the international application was communicated to the USPTO from the International Bureau on 13 November 2003. The thirty-month period for paying the basic national fee in the United States expired on 11 July 2003.

On 08 July 2003, applicant filed purported national stage papers in the United States Designated/Elected Office (DO/EO/US). The submission was accompanied by, *inter alia*, the basic national fee required by 35 U.S.C. 371(c)(1) and a copy of the international application published on 18 July 2002.

On 29 October 2003, the DO/EO/US mailed a Notification of Missing Requirements Under 35 U.S.C. 371 (Form PCT/DO/EO/905), which indicated that an oath or declaration in compliance with 37 CFR 1.497 must be filed.

On 29 December 2003, applicant filed an executed declaration.

On 30 January 2004, applicant filed the present petition under 37 CFR 1.181.

On 05 February 2004, the DO/EO/US mailed a Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903).

DISCUSSION

The petition states that the international application published on 18 July 2002 did not contain two drawing sheets which are part of the international application and that the International Bureau published a corrected version of the international application containing the previously missing drawing sheets. Because the originally published international application did not consist of the complete international application, the copy of the international application filed on 08 July 2003 did not satisfy the requirements of 35 U.S.C. 371(c)(2). A review of the corrected version of the published international application reveals that the corrected version was published on 13 November 2003, and thus was made available and communicated to the DO/EO/US on 13 November 2003. However, because 13 November 2003 was after the date for commencement of the national stage (i.e. 11 July 2003), the application is abandoned for failure to timely file a proper copy of the international application. See 35 U.S.C. 371(c)(2) and (d). It is noted that applicant has not made a showing that it was not possible to file a complete copy of the international application on or before 11 July 2003.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is DISMISSED without prejudice.

The Notification of Acceptance of Application Under 35 U.S.C. 371 (Form PCT/DO/EO/903) mailed 05 February 2004 is hereby VACATED.

If reconsideration on the merits of the petition is desired, a proper response must be filed within TWO (2) MONTHS from the mail date of this decision. Extensions of time are available under 37 CFR 1.136(a). Any reconsideration request should include a cover letter entitled "Renewed Petition Under 37 CFR 1.181".

The application is being forwarded to the DO/EO/US for processing in accordance with this decision, including preparation and mailing of a Notification of Abandonment (Form PCT/DO/EO/909), which should indicate that the application is abandoned as to the United States for failure to timely file a complete copy of the international application under 35 U.S.C. 371(c)(2).

Bryan Tung
PCT Legal Examiner
Office of PCT Legal Administration

Telephone: 703-308-6614
Facsimile: 703-308-6459

30 JUL 2004

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489 Fifth Avenue
New York, New York 10017-6105

In re Application of LUMB, Anthony P. *et al* U.S. Application No.: 10/250,958 PCT No.: PCT/GB02/00040 Int. Filing Date: 07 January 2002 Priority Date: 11 January 2001 Attorney Docket No.: P/63172 For: FIREWALL WITH INDEX TO ACCESS RULE	:	**DECISION ON PETITION FOR REVIVAL UNDER 37 CFR 1.137(b)**

Applicants' "Petition for Revival of an Application for Patent Abandoned Unintentionally Under 37 C.F.R. § 1.137(b)" filed on 02 July 2004 is hereby **GRANTED** as follows:

The petition fee of $1,330.00 has been paid. Applicants state that "[t]he entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional" as required by 37 CFR 1.137(b)(3). A terminal disclaimer is not required. Accordingly, all requirements under 37 CFR 1.137(b) have been satisfied.

A copy of the corrected version of the international application was provided to the DO/EO/US on 13 November 2003. A signed declaration in compliance with 37 CFR 1.497(a) and (b) and the $130.00 surcharge fee pursuant to 37 CFR 1.492(e) was submitted on 29 December 2003.

Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 07 January 2002, under 35 U.S.C. 363 and a 35 U.S.C. 371(c)(1), (c)(2) and (c)(4) date of 29 December 2003.

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

James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (703) 308-6457

Copied from 10250658 on 12/01/2004

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MINNEAPOLIS, MN 55402-0902

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OFFICE OF PETITIONS

In re Application of :
Lawrence Haydock et al :
Application No. 10/250,961 : DECISION ON PETITION
Filed: September 2, 2003 :
Attorney Docket No. 8289-3 :

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 26, 2006, 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 September 14, 2006, as required by the Notice of Allowance and Fee(s) Due, mailed June 14, 2006. Accordingly, the date of abandonment of this application is September 15, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1,400 and the publication fee of $300, (2) the petition fee of $1,500; and (3) a proper statement of unintentional delay. Accordingly, the issue and publication fees are accepted as being unintentionally delayed.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-3218.

This application is being referred to Publishing Division for appropriate processing in accordance with this decision on petition.

Frances Hicks
Petitions Examiner
Office of Petitions

05 JAN 2004

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WASHINGTON, D.C. 20231
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Mr. Kia Silverbrook
Managing Director
Silverbrook Research Pty Ltd
393 Darling Street
Balmain, NSW 2041
Australia

In re Application of	:	
SILVERBROOK	:	
Application No.: 10/250,967	:	DECISION ON PETITION
PCT No.: PCT/AU02/00014	:	
Int. Filing Date: 08 January 2002	:	UNDER 37 CFR 1.181
Priority Date: 10 January 2001	:	
Attorney Docket No.: WSM07US	:	
For: INKJET DEVICE ENCAPSULATED AT	:	
THE WAFER SCALE	:	

This decision is in response to applicant's "Petition to Withdraw Holding of Abandonment" filed in the United States Patent and Trademark Office (USPTO) on 22 December 2003. The response is being treated as a petition under 37 CFR 1.181. No petition fee is due.

BACKGROUND

On 10 July 2003, applicant filed a transmittal letter for entry into the national stage in the United States, which was accompanied by, *inter alia:* the requisite basic national fee as required by 35 U.S.C. 371(c)(1), an executed declaration of the inventor and an Information Disclosure Statement.

On 25 November 2003, applicant was mailed a NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909) for failure to provide payment of the full, U.S. Basic National fee within thirty months of the claimed priority date.

On 22 December 2003, applicant responded with the present petition.

DISCUSSION

Payment of the full, U.S. Basic National fee was due by midnight on 10 July 2003. A review of USPTO fee records finds that applicant filed a check in the amount of $1098.00 on 10 July 2003. Due to an adjustment in the fee record, $1040.00 was mistakenly given a mail room date of 16 July 2003. It is clear that applicant filed one check on 10 July 2003. As such, it is proper to grant applicant's petition at this time.

CONCLUSION

For the reasons above, the petition under 37 CFR 1.181 is **GRANTED.**

The "NOTIFICATION OF ABANDONMENT (Form PCT/DO/EO/909)" mailed on 25 November 2003 is hereby **VACATED**.

The application has an international filing date of **08 January 2002** under 35 U.S.C. 363 and will be given a date of **10 July 2003** under 35 U.S.C. 371(c).

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for treatment in accordance with this decision.

Derek A. Putonen
Attorney Advisor
Office of PCT Legal Administration
Tel: (703) 305-0130
Fax: (703) 308-6459

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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JUN 10 2005

PATENT DEPARTMENT
TAYLOR, PORTER, BROOKS & PHILLIPS, L.L.P
P.O. BOX 2471
BATON ROUGE, LA 70821-2471

In re Application of PRICE ET AL. Appl. No.: 10/250,973 Filed: August 02, 2004 For: AUTONOMOUS BIRD PREDATION REDUCTION DEVICE	**WITHDRAWAL FROM ISSUE** *37 CFR 1.313*

The above-identified application is withdrawn from issue to permit re-opening of prosecution. See 37 CFR 1.313.

The above-identified application is hereby **withdrawn from issue**.

Subsequent to the mailing of the Notice of Allowability, a new issue was discovered that was believed to pose a significant bearing on the patentability of at least one claim pending in the allowed application. The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

If the issue fee and the publication fee have 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 Fees Due, applicant may request that the previously submitted issue fee and publication fee be applied toward payment of the issue fee and publication fee in the amount identified on the new Notice of Allowance and Issue and Publication Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

Telephone inquiries regarding this notice should be directed to S. Joseph Morano, Supervisory Patent Examiner for Art Unit 3617, at (571) 272-6684. Telephone inquiries regarding the status of the claims and other examination on the merits issues should be directed to the examiner of record, Jesus Sotelo, at (571) 272-6686.

Robert J. Oberleitner
Director, Patent Technology Center 3600

SJM: 6/9/05

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CLARK & ELBING LLP
101 FEDERAL STREET
BOSTON, MA 02110

Mail Date: 04/20/2010

Applicant	: Rita Bisogni	: DECISION ON REQUEST FOR
Patent Number	: 7589185	: RECALCULATION of PATENT
Issue Date	: 09/15/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/250,987	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 11/25/2003	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **465** 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.

27 OCT 2003
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#3

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Laurence J. Hyman
Townsend and Townsend and Crew LLP
Two Embarcadero Center, 8th Floor
San Francisco, California 94111-3834

In re Application of:	:	
PURI	:	DECISION ON
Application No.: 10/250,998	:	PETITION
PCT No.: PCT/US01/25663	:	UNDER 37 CFR 1.137(b)
Int. Filing Date: 15 August 2001	:	
Priority Date: 31 August 2000		
Docket No. 015280-4301US	:	

For: SENSITIZATION OF CANER CELLS TO IMMUNOCONJUGATE-INDUCED CELL DEATH BY TRANSFECTION WITH IL-13 RECEPTOR ALPHA CHAIN :

This is in response to the petition filed 08 July 2003 under 37 CFR 1.137 (b) to revive the above-identified abandoned application for "unintentional" delay.

BACKGROUND

On 15 August 2001, applicants filed international application PCT/US01/25663, which claimed priority to an earlier application, filed 31 August 2000. A Demand for international preliminary examination, in which the United States of America was elected, was timely filed. Accordingly, the thirty month period for paying the basic national fee in the United States expired at midnight on 28 February 2003.

On 08 July 2003, the present petition was submitted. This petition further includes an authorization to charge Deposit Account No. 20-1430 the amount of basic national fee of $900.00, and a Declaration executed by the inventor as required by 35 U.S.C.371 (c)(4).

DISCUSSION

A petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by (1) the required reply, (2) the petition fee required by 37 CFR 1.17(m), (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional, and (4) a terminal disclaimer with disclaimer fee (only for utility and plant applications filed before 08 June 1995).

Regarding items (1) and (2), applicants furnished the U.S. Basic National Fee of $900.00 and petition fee of $1300.00 payable via counsel's Deposit Account No. 20-1430.

Regarding item (3), the petition includes a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional.

Regarding item (4), because applicants' filing date of 31 July 2000 is after 08 June 1995, the requirement of a terminal disclaimer with disclaimer fee is not applicable in this case.

Accordingly, applicants have satisfied each of the requirements of 37CFR1.137(b).

A surcharge of $130.00 for submitting the Declaration later than the 30 months of the priority date will be charged to the counsel's Deposit Account No. 20-1430.

CONCLUSION

The request to revive the application abandoned under 35 U.S.C. 371(d) is **GRANTED** as to the National stage in the United States of America.

Applicant's claim for priority is acknowledged. The application has an international filing date of 15 August 2001 under 35 U.S.C. 363 and a date of **08 July 2003** under 35 U.S.C. 371.

This application is being forwarded to the United States Designated/Elected Office (DO/EO/US) for further review and processing in accordance with this communication.

Shih-yung Hsieh
PCT Legal Detailee
PCT Legal Office
Telephone: (703) 308-6162
Facsimile: (703) 308-6459

Leonard Smith
PCT Legal Examiner
PCT Legal Office

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Paper No. 12

SIEMENS CORPORATION
INTELLECTUAL PROPERTY DEPARTMENT
170 WOOD AVENUE SOUTH, 5TH FLOOR
ISELIN, NJ 08830

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NOV 16 2004

OFFICE OF PETITIONS

In re Application of	:	
Don Bird et al	:	
Application No. 10/251,052	:	ON PETITION
Filed: September 29, 2002	:	
Attorney Docket No. 2002P06545 US01	:	

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

The petition is **GRANTED**.

The above-identified application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 20, 2003, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 21, 2004.

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

The application is being forwarded to Technology Center AU 2832 for further processing.

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

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QUALCOMM, INC
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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OFFICE OF PETITIONS

In re Application of	:	
Peter J. Black	:	
Application No. 10/251,060	:	
Filed: September 20, 2002	:	DECISION ON PETITION
Attorney Docket No. 020702	:	UNDER 37 C.F.R. §1.181(A)
Title: COMMUNICATION MANAGER	:	
FOR PROVIDING MULTIMEDIA IN A	:	
GROUP COMMUNICATION NETWORK	:	

This is a decision on the petition under 37 C.F.R. §1.181(a) to withdraw the holding of abandonment, filed on March 9, 2006.

BACKGROUND

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR §1.113 in a timely manner to the final Office action mailed June 9, 2005, which set a shortened statutory period for reply of three (3) months. No extensions of time under the provisions of 37 CFR §1.136(a) were obtained, and no further responses were received. Accordingly, the above-identified application became abandoned on September 10, 2005. A notice of abandonment was mailed on January 30, 2006.

With the present petition, Petitioner has alleged that the mailing was not received, and has included a copy of the docket record.

CONCLUSION

Petitioner has met the requirements of Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), in that he has asserted that he has searched the file jacket and the docket record, and he has included a copy of the latter.

Considering the facts and circumstances of the delay at issue, as set forth on petition, it is concluded that Petitioner has met his burden of establishing that the mailing was not received.

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 final rejection will be re-mailed and a new period for response will be set.

Telephone inquiries regarding this decision should be directed to the undersigned at (571) 272-3225. All other inquiries concerning examination procedures or status of the application should be directed to the Technology Center.

Paul Shanoski

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

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Paper No. 7

BLAKELY SOKOLOFF TAYLOR & ZAFMAN/PDC
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES CA 90025

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JUN 1 8 2003

OFFICE OF PETITIONS

In re Application of
Andrew R. Large and Harish Prabandham
Application No. 10/251,084
Filed: September 19, 2002
Attorney Docket No. 3399P095
Title METHOD AND APPARATUS FOR REQUESTING AND PERFORMING BATCHED OPERATIONS FOR WEB SERVICES

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

This is a decision on the petition filed on May 14, 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.

Petitioner states that the instant nonprovisional application is the subject of an application filed in either a foreign country or an international application on December 31, 2002.

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.

On December 3, 2002, a Request to Rescind the Nonpublication Request was filed with the Office. Therefore, the Nonpublication Request was rescinded prior to the foreign filing. If an applicant makes a nonpublication request and then rescinds the nonpublication request before or on the date a counterpart application is filed in an eighteen-month publication country, the application will be treated as if the nonpublication request were never made[2].

For the reason set forth above, the petition under 37 C.F.R. §1.137(f) is **DISMISSED AS MOOT**.

As such, no petition fee is necessary. The petition fee has been refunded to petitioner's Deposit Account, as authorized in the petition.

After the mailing of this decision, the application file will be forwarded to Technology Center 2100 for further processing.

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

Paul Shanoski

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

2 Rescission generally has the effect of voiding, repealing, or annulling a previous action. See Black's Law Dictionary 1308 (7th ed. 1999) (second definition: to make void, to repeal, or annul). Thus, if an applicant 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 under 35 U.S.C. § 122(b)(2)(B)(i) will be treated as annulled and the application will be treated as if the nonpublication request had never been made. See http://www.uspto.gov/web/offices/pac/dapp/opla/preognotice/35usc122b2binterpret.htm.

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REED & EBERLE LLP
800 MENLO AVENUE, SUITE 210
MENLO PARK CA 94025

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JUN 2 4 2004

OFFICE OF PETITIONS

Applicant: Downs
Appl. No.: 10/251,093
Filing Date: September 20, 2002
Title: ASSESSMENT OF ECOSYSTEM HEALTH BY EVALUATING MULTIPLE BIOMARKERS IN A NONHUMAN ORGANISM
Attorney Docket No.: 2810-0001.01
Pub. No.: US 2003/0138812 A1
Pub. Date: July 24, 2003

This is a decision on the request for correction of patent application publication under 37 CFR 1.221(b), which was filed on September 29, 2003.

The request is DISMISSED.

The instant request is that the application be republished with replacement paragraphs and tables because the patent application publication contains numerous errors.

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." A material mistake must affect the public's ability to appreciate the technical disclosure of the patent application publication, to determine the scope of the patent application publication, or to determine the scope of the provisional rights that an applicant may seek to enforce upon issuance of a patent.[1]

The instant request does not specifically identify a material mistake in the publication made by the Office.

The applicant is advised that a "request for republication of an application previously published" may be filed under 37 CFR 1.221(a). Such a request for republication "must include a copy of the application in compliance with the Office's electronic filing system requirements and be accompanied by the publication fee set forth in § 1.18(d) and the processing fee set forth in § 1.17(i)." If the request for republication does not comply with the electronic filing system

[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).

requirements, the republication will not take place and the publication fee set forth in § 1.18(d) will be refunded. The processing fee will be retained.

Any request for republication under 37 CFR 1.221(a), should be submitted via the EFS system and questions or request for reconsideration of this decision, should be addressed as follows:

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

The application will be examined in due course.

Inquiries relating to this matter may 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

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SONNENSCHEIN NATH & ROSENTHAL LLP
P.O. BOX 061080
WACKER DRIVE STATION, SEARS TOWER
CHICAGO, IL 60606-1080

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JUN 15 2007

OFFICE OF PETITIONS

In re Application of Hutchinsonn et al. :
Application No. 10/251,101 :
Filing Date: September 20, 2002 :
Attorney Docket No. 40003892-0032-002 :

Decision on Petition

This is a decision on the petition under 37 CFR 1.137(b), filed January 29, 2007, to revive the above-identified application.

The petition is **granted**.

The above-identified application became abandoned for failure to submit the issue fee in a timely manner in reply to the Notice of Allowance mailed June 20, 2006, which set a statutory period for reply of three (3) months. The above-identified application became abandoned on September 21, 2006. A Notice of Abandonment was mailed on October 19, 2006.

The instant petition requests revival of the application.

Petitioner has submitted the required petition fee of $1,500. Petitioner has submitted a reply to the Notice of Allowance in the form of the issue fee. Petitioner has stated 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 met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Therefore, the petition is granted and the application is revived.

The Office of Publications will be informed of the instant decision and the application will be issued as a patent 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

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Paper No. 8

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THOMAS B HAVERSTOCK
HAVERSTOCK & OWENS LLP
162 NORTH WOLFE ROAD
SUNNYVALE CA 94086

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OCT 08 2003
OFFICE OF PETITIONS

In re Application of Bulthaup, et al. Application No. 10/251,103 Filed: September 20, 2002 Attorney Docket No. NANO-00500	: : : : :	ON PETITION

This is a decision on the petition to revive under 37 CFR 1.137(b), pursuant to 37 CFR 1.137(f), filed June 10, 2003.

The petition is **GRANTED**.

Petitioner states that the instant nonprovisional application is the subject of an international application filed on October 31, 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.

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 1700, Group Art Unit 1765, for examination.

Telephone inquiries regarding this decision should be directed to the undersigned at (703) 305-0272.

Cliff Congo

Cliff Congo
Petitions Attorney
Office of Petitions

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Dean A. Craine
DEAN A. CRAINE, P.S.
400 112th Avenue NE
Suite 140
Bellevue, WA 98004-5542

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In re Application of:
Sam Michael
Application No. 10/251,108
Filed: September 20, 2002
For: TEST AND DEBUG PROCESSOR AND METHOD

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation filed March 29, 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.

The request is **GRANTED**.

All future communications from the U.S. Patent and Trademark Office (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 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

cc: Sam Michael
EMUTEC INC.
P.O. Box 12081
Mill Creek, WA 98082

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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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JUL 30 2003

Applicant : Hossainy et al.

Serial No : 10 /251,111

Title : Coatings For Implantable Medical Devices
And Methods For Fabrication

The Petition filed May 20, 2003 to change the order of inventors to:

Stephen D. Pacetti
Syed F. A. Hossainy
Ni Ding
Wouter E. Roorda

has been granted.

SHRIVE P. BECK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700

Squire, Sanders& Dempsey L.L.P.
One Maritime Plaza, Suite 300
San Francisco, CA 94111

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United States Patent and Trademark Office
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QUALCOMM, INC
5775 MOREHOUSE DR.
SAN DIEGO CA 92121

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JAN 13 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Raul Hernan Etkin et al. :
Application No. 10/251,122 :
Filed: September 20, 2002 :
Attorney Docket No.: 020603 :

This is a decision on the petition filed November 18, 2005 to withdraw the holding of abandonment for the above-identified application. The petition is treated under 37 CFR 1.181.

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

The application was held abandoned on June 1, 2004, for failure to timely submit a timely response to the non-Final Office Action mailed February 8, 2005 and which set a three month period for reply. Accordingly, a Notice of Abandonment was mailed October 19, 2005.

Petitioner asserts that a response was filed and, in support, petitioner has submitted, *inter alia*, a copy of the response in the form of an amendment and a post card receipt date stamped May 6, 2005 by the USPTO.

A search of the application file and the USPTO records does not reveal receipt of the response, but the evidence submitted corroborates a timely response to the non-Final Office Action mailed February 8, 2005.

Accordingly, the holding of abandonment is hereby withdrawn. No petition fee is necessary and none has been charged.

This matter will be referred to Technology Center 2687 for appropriate action on the amendment filed May 6, 2005, a copy of which was submitted upon petition.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

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5775 MOREHOUSE DR.
SAN DIEGO, CA 92121

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OFFICE OF PETITIONS

In re Application of
Raul Hernan Etkin, et al.
Application No. 10/251,122
Filed: September 20, 2002
Attorney Docket No. 020603

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed January 9, 2008.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before July 26, 2007. A Notice of Abandonment was mailed on August 24, 2007. On January 9, 2008, 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 $1,440 issue fee and the $300 publication fee; (2) the petition fee of $1,540; and (3) an adequate statement of unintentional delay[1].

The application is being referred to the Office of Data Management 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 as a patent should be directed to (571) 272-4200.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

[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. Although the statement contained in the petition varies from the language required by 37 CFR 1.137(b)(3), the statement will be construed as the statement required by 37 CFR 1.137(b)(3). Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20050415

10/251131

DATE : April 15, 2005

TO SPE OF : ART UNIT 2821

SUBJECT : Request for Certificate of Correction on Patent No.: 6,833,815

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.

E. James

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:

Shih-Chao Chen 4/15/05

SPE: Don Wong

Art Unit 2821

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Paper No. 3

Michael F. Scalise
Wilson Greatbatch Technologies, Inc.
10,000 Wehrle Drive
Clarence, NY 14031

COPY MAILED

NOV 04 2002

OFFICE OF PETITIONS

In re Application of Gan et al. Application No. 10/251,137 Filed: September 20, 2002 Attorney Docket No. 37505.0038	DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.10, filed October 7, 2002, requesting that the above-identified application be accorded a filing date of September 20, 2002, rather than the presently accorded filing date of September 21, 2002.

Petitioner alleges that the application was deposited in Express Mail service on September 20, 2002. In support of the allegation, the petition is accompanied by a copy of Express Mail label No. EU474894085US. Although the "date-in" indicated on the Express Mail label is September 21, 2002, the label contains a United States Postal Service (USPS) stamp of September 20, 2002. The same Express Mail label number was placed on the original application papers located in the official file.

In view of the above, the petition is **granted**.

No petition fee is necessary.

This application file will be forwarded to the Office of Initial Patent Examination for correction of the filing date to September 20, 2002, and the mailing of a corrected filing receipt.

Telephone inquiries should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions
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

Morrison & Foerster LLP
1650 Tysons Boulevard
Suite 400
Mclean, VA 22102

COPY MAILED

AUG 27 2007

OFFICE OF PETITIONS

In re Application of	:	
Selena Chan et al.	:	
Application No. 10/251,152	:	DECISION ON PETITION
Filed: September 20, 2002	:	TO WITHDRAW
Attorney Docket No. INTEL1310	:	FROM RECORD
	:	

This is a decision on the Request to Withdraw as attorney or agent of record under 37 C.F.R. § 1.36(b), filed March 12, 2007.

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

A review of the file record indicates that the power of attorney to Morrison & Foerster LLP has been revoked by the assignee of the patent application on April 13, 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 Terri Williams at 571-272-2991.

Terri Williams

Terri Williams
Petitions Examiner
Office of Petitions

cc: **Darby & Darby P.C.**
P.O. Box 770
Church Street Station
New York, NY 10008-0770

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

COPY MAILED
OCT 27 2008
OFFICE OF PETITIONS

In re Application of	:	
Shinichi Nakayama et al	:	
Application No. 10/251,154	:	DECISION ON PETITION
Filed: September 20, 2002	:	
Attorney Docket No. 16869P-058500US	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 16, 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 June 27, 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 September 28, 2005.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(d). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Director may require additional information. See MPEP 711.03(c)(II)(C) and (D). The instant petition lack items (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 (2 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 September 28, 2005. That party, in turn must explain what effort(s) was

made to further reply to the outstanding Office action and, further, why no reply was filed. If no effort was made to further reply, then that party must explain why the delay in this application does not result from a deliberate course of action (or inaction). Likewise, as Townsend and Townsend and Crew, LLP was counsel of record at the time of abandonment, Townsend and Townsend and Crew, LLP should explain why this application became abandoned while it was under their control and what efforts they made to further reply of itself and with whom this matter was discussed outside of Townsend and Townsend and Crew, LLP. 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), Townsend and Townsend and Crew, LLP 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 2 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

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO, CA 94111-3834

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NOV 06 2008

OFFICE OF PETITIONS

In re Application of	:	
Shinichi Nakayama et al	:	
Application No. 10/251,154	:	ON PETITION
Filed: September 20, 2002	:	
Attorney Docket No. 16869P-058500US	:	

This is a decision on the renewed petition under 37 CFR 1.137(b), filed October 30, 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 2114 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

DILWORTH & BARRESE, LLP
333 EARL OVINGTON BLVD.
SUITE 702
UNIONDALE, NY 11553

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JAN 0 2 2008

OFFICE OF PETITIONS

In re Application of	:	
Jong-Hwan Kim	:	
Application No. 10/251,159	:	DECISION DISMISSING PETITION
Filed: September 20, 2002	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 678-938(P10035)	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed September 28, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§120 and 365(c) for the benefit of priority to prior-filed international Application No. PCT/KR02/00085, filed January 18, 2002.

The petition is **DISMISSED**.

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 and 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) and (iii) 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.

The amendment as drafted is unacceptable and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(2)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. The rule at 37 CFR 1.4(c)

states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

Additionally, the reference to add the above-noted, prior-filed international application on page one following the first sentence of the specification is not acceptable as drafted since it improperly incorporates by reference the prior-filed application. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. §§ 120 and 365(c) after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. §§ 120 and 365(c) is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

If reconsideration of this decision is desired, a renewed petition under 37 CFR 1.78(a)(3) and an amendment or an Application Data Sheet which corrects the above matters are required.

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

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

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

By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to the Office of Petitions at (571) 272-3282.

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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THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE NY 11553

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JUN 20 2008
OFFICE OF PETITIONS

In re Application of	:	
Jong-Hwan Kim	:	
Application No. 10/251,159	:	DECISION ON PETITION
Filed: September 20, 2002	:	UNDER 37 CFR 1.78(a)(3)
Attorney Docket No. 678-938	:	

This is a decision on the petition under 37 CFR 1.78(a)(3), filed March 18, 2008, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 365(c) for the benefit of priority to prior-filed international Application No. PCT/KR02/00085, filed January 18, 2002, as set forth in the accompanying amendment.

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 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 Carl Friedman at (571) 272-6842. 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 2617 for 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

APPLICATION NUMBER	FILING or 371(c) DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	TOT CLAIMS	IND CLAIMS
10/251,159	09/20/2002	2617	870	678-938	15	3

CONFIRMATION NO. 2527

CORRECTED FILING RECEIPT

66547
THE FARRELL LAW FIRM, P.C.
333 EARLE OVINGTON BOULEVARD
SUITE 701
UNIONDALE, NY 11553

OC000000030586031

Date Mailed: 06/19/2008

Receipt is acknowledged of this non-provisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please submit a written request for a Filing Receipt Correction. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections**

Applicant(s)
Jong-Hwan Kim, Songnam-shi, KOREA, REPUBLIC OF;

Assignment For Published Patent Application
SAMSUNG ELECTRONICS CO., LTD., KYUNGKI-DO, KOREA, REPUBLIC OF

Power of Attorney: The patent practitioners associated with Customer Number 66547

Domestic Priority data as claimed by applicant
This application is a CON of PCT/KR02/00085 01/18/2002

Foreign Applications
REPUBLIC OF KOREA 2001-3409 01/20/2001
REPUBLIC OF KOREA 2001-43465 07/19/2001

If Required, Foreign Filing License Granted: 10/17/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US 10/251,159**

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

SYSTEM AND METHOD FOR REMOTELY CONTROLLING A MOBILE TERMINAL

Preliminary Class

455

PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

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

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

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

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

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

LICENSE FOR FOREIGN FILING UNDER

Title 35, United States Code, Section 184

Title 37, Code of Federal Regulations, 5.11 & 5.15

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

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

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

NOT GRANTED

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

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

ROLAND TSO
NOVELLUS SYSTEMS, INC.
4000 NORTH FIRST STREET
SAN JOSE CA 95134

AUG 25 2005

In re Application of: Chen et al
Application No. 10/251,178
Filed: September 20,2002
Attorney Docket No. M-12596 US

Decision on Petition

This is a decision on the petition filed under 37 C.F.R. § 1.324 on August 4, 2005 to correct inventorship.

The petition is GRANTED.

37 C.F.R. § 1.324 Correction of inventorship in patent, pursuant to 35 U.S.C. 256.

(a) Whenever through error a person is named in an issued patent as the inventor, or through error an inventor is not named in an issued patent and such error arose without any deceptive intention on his or her part, the Director may, on petition, or on order of a court before which such matter is called in question, issue certificate naming only the actual inventor or inventors. A petition to correct inventorship of a patent involved in an interference must comply with the requirements of this section and must be accompanied by a motion under § 1.634.
(b) Any petition pursuant to paragraph (a) of this section must be accompanied by:
(1) Where one or more persons are being added, a statement from each person who is being added as an inventor that the inventorship error occurred without any deceptive intention on his or her part;
(2) A statement from the current named inventors who have not submitted a statement under paragraph (b)(1) of this section either agreeing to the change of inventorship or stating that they have no disagreement in regard to the requested change;
(3) A statement from all assignees of the parties submitting a statement under paragraphs (b)(1) and (b)(2) of this section agreeing to the change of inventorship in the patent, which statement must comply with the requirements of § 3.73(b) of this chapter; and
(4) The fee set forth in § 1.20(b).

Petitioner has complied with all the above requirements by submitting the required documents in conjunction with the processing fee to correct inventorship.

The inventorship will be corrected to add inventor: Victor A Markov.

The application file will be forwarded to the Technical Support staff for Technology Center 2800 for entry of the correction of inventorship.

Inquiries regarding this decision should be directed to Michael Lebentritt at (571) 272-1873.

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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5-2-05

TO SPE OF : ART UNIT 3731

SUBJECT : Request for Certificate of Correction on Patent No.: 6863675

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

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

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

Please check Drawings

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:

M J Hayes
SPE

3734
Art Unit

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FAY KAPLUN & MARCIN, LLP
150 BROADWAY, SUITE 702
NEW YORK NY 10038

MAILED

MAY 24 2010

OFFICE OF PETITIONS

In re Patent No. 7059331	: DECISION DISMISSING PETITION
Issue Date: 06/13/2006	: UNDER 37 CFR 1.78(a)(3) AND
Application Number: 10/251192	: REQUEST FOR CERTIFICATE OF
Filing or 371(c) Date: 09/19/2002	: CORRECTION
Attorney Docket Number: 10121/01016	:

This is a decision on the petition, filed on February 19, 2010, which is being treated as a petition under 37 CFR 1.78(a)(3), seeking to add a claim for priority under 35 U.S.C. § 120 to nonprovisional Application Nos. 09/316,674, filed on May 21, 1999, and 09/100,393, filed on June 19, 1998, by way of a certificate of correction.

The petition is **DISMISSED**.

A review of the file record fails to disclose that a claim for the benefit of priority to the above-noted, prior-filed nonprovisional applications was made within the time period set forth in 37 CFR 1.78(a)(2)(ii) and further failed to include a proper reference to the prior-filed application as required by 37 CFR 1.78(a)(2)(i) and 1.78(a)(2)(iii).

The instant application was filed September 19, 2002. Therefore, since this application was filed after November 29, 2000, a petition under 37 CFR 1.78(a)(3), along with submission of a Certificate of Correction, is the appropriate avenue of relief to accept a late claim for the benefit of priority to a prior-filed nonprovisional application after issuance of the application into a patent. *See* MPEP 1481.

A petition for acceptance of a claim for late priority under 37 CFR 1.78(a)(3) must be accompanied by:

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

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

(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(2)(ii) and the date the

> claim was filed was unintentional. The Director may require additional information where there is a question whether the delay was unintentional.

The petition must be dismissed because the reference required by 35 U.S.C. § 120 and 37 CFR 1.78(a)(2)(i) has not be properly supplied. A Certificate of Correction is not a proper reference. Pursuant to 37 CFR 1.78(a)(2)(iii) 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(s) following the title.

More to this point, the request to amend the priority data contained on the first and second pages of the petition is not a proper amendment as drafted and, therefore, is not considered a proper reference under 37 CFR 1.78(a)(5)(i). In this regard, the amendment is physically part of the petition and, as such, does not comply with 37 CFR 1.121, 1.52, or 1.4(c). Note that 37 CFR 1.121 states that amendments are made by filing a paper, in compliance with § 1.52, directing that specified amendments be made. The pertinent section of 37 CFR 1.52 states that the claim (in this case, the claim for priority), must commence on a separate physical sheet. 37 CFR 1.4(c) states that each distinct subject must be contained in a separate paper since different matters may be considered by different branches of the United States Patent and Trademark Office.

The reference to add the above-noted, prior-filed applications is not acceptable as drafted since it improperly incorporates by reference the prior-filed applications. An incorporation by reference statement added after an application's filing date is not effective because no new matter can be added to an application after its filing date (*see* 35 U.S.C. § 132(a)). If an incorporation by reference statement is included in an amendment to the specification to add a benefit claim under 35 U.S.C. § 120 after the filing date of the application, the amendment would not be proper. When a benefit claim under 35 U.S.C. § 120 is submitted after the filing of an application, the reference to the prior application cannot include an incorporation by reference statement of the prior application. *See* Dart Industries v. Banner, 636 F.2d 684, 207 USPQ 273 (C.A.D.C. 1980). *Note* MPEP §§ 201.06(c) and 608.04(b).

It is further noted that the certificate of correction contains the improper incorporation by reference. A new certificate of correction deleting the incorporation by reference statement must be submitted with any renewed petition.

Where an application claims a benefit under 35 U.S.C. 120 of a chain of applications, the application must make a reference to the first (earliest) application and every intermediate application. See Sampson v. Ampex Corp., 463 F.2d 1042, 1044-45, 174 USPQ 417, 418-19 (2d Cir. 1972); Sticker Indus. Supply Corp. v. Blaw-Knox Co., 405 F.2d 90, 93, 160 USPQ 177, 179 (7th Cir. 1968); Hovlid v. Asari, 305 F.2d 747, 751, 134 USPQ 162, 165 (9th Cir. 1962). See also MPEP 201.11. In addition, every intermediate application must also make a reference to the first (earliest) application and every application after the first application and before such intermediate application. MPEP 201.06(d).

Petitioners should review the claim for priority to ensure that a reference is made to the first application and to every intermediate application. In this regard, a review of Office records reveals that prior-filed Application No. 10/055,306, filed on January 23, 2002, does not properly claim the benefit of prior-filed Application Nos. 09/316,674, filed on May 21, 2009, or 09/100,393, filed on June 19, 1998.

Before the petition under 37 CFR 1.78(a)(3) can be granted in the present application, petitioner must file a **grantable** petition under 37 CFR 1.78(a)(3) in Application No. 10/055,306 to accept a delayed claim of benefit to prior-filed Application Nos. 09/316,674 and 09/100,393. Further, as Application No. 10/055,306 issued as U.S. Patent No. 6,478,210 on November 12, 2002, the petition must be accompanied by a Certificate of Correction in U.S. Patent No. 6,478,210, and the $100.00 fee required for a Certificate of Correction.

Upon the grant of the petition filed pursuant to 37 CFR 1.78(a)(3) in Application No. 10/055,306, petitioner may filed a renewed petition under 37 CFR 1.78(a)(3) in the present application.

Lastly, the certificate of correction fee of $100.00 must be submitted with any renewed petition.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an supplemental Application Data Sheet or an amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

Receipt of the petition fee is acknowledged.

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

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

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

By fax: (571) 273-8300
ATTN: Office of Petitions

A reply may also be filed via EFS-Web.

Any questions concerning this matter may be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Anthony Knight
Director
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 20, 2007

TO SPE OF : ART UNIT 2161

SUBJECT : Request for Certificate of Correction for Appl. No. 10/251212 patent No.: 7096223

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: The corrections are to correct certain typographical errors in the printed patent as indicated.

Frantz Coby — SPE

2109 — Art Unit

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 3

MAIL

FEB 1 0 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Seventh Floor
12400 Wilshire Boulevard
Los Angeles CA 90025-1026

In re Application of :
Stone Cheng et al :
Application No. 10/251,214 :
Filed: September 20, 2002 :
For: **METHOD AND DEVICE FOR DRAWING AND FORMATTING IMAGE** :

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY

This is a decision on the request to withdraw as attorney/agent of record filed on November 18, 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: Clement Cheng, Esq.
17220 Newhope Street, #127
Fountain View, CA 92708

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : February 28, 2007

TO SPE OF : ART UNIT 2195

SUBJECT : Request for Certificate of Correction on Patent No.: **7117500 B2 – 10/251230**

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

Please complete this form and return with file, within 7 days to:
Palm location **7580, Certificates of Correction Branch – South Tower – 9A22**
If response is for an IFW, **return to employee (named below) via PUBSCofC Team in MADRAS.**
With respect to the change(s) requested, correcting Office and/or Applicant's errors, should the patent read as shown in the certificate of correction (COCIN)? No new matter should be introduced, nor should the scope or meaning of the claims be changed.

Thank You For Your Assistance

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

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:

OK to enter

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100
SPE

2195
Art Unit

PTO/SB/44 (04-05)
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,117,500 B2
APPLICATION NO. : 10/251,230
ISSUE DATE : October 3, 2006
INVENTOR(S) : Darren Pulsipher

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 27

Claim 1: Line 42, delete "condition;" and insert --condition, wherein said dependency is resolved via a logical expression, said logical expression having as an operand a state of said first job;--.

COLUMN 29

OK Claim 15: Line 30, delete "operands the states" and insert --operands states--.

OK Claim 18: Line 49, delete "computer-readable medium" and insert --computer-readable storage medium--.

OK Line 61: Delete "condition;" and insert --condition, wherein said dependency is resolved via a logical expression, said logical expression having as an operand a state of said first job;'--.

COLUMN 31

OK Claim 29: Line 47, delete "computer-redable medium" and insert --computer-readable storage medium--.

OK Line 59: Delete "operands the states" and insert --operands states--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Hickman Palermo Truong & Becker LLP
2055 Gateway Place, Suite 550
San Jose, CA 95110

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

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(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 7,117,500 B2
APPLICATION NO. : 10/251,230
ISSUE DATE : October 3, 2006
INVENTOR(S) : Darren Pulsipher

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 32

OK Claim 32: Line 19, delete "computer-readable medium" and insert --computer-readable storage medium--.

? Line 28: Delete "condition;" and insert --condition, wherein said dependency is resolved via a logical expression, said logical expression having as an operand a state of said first job--.

OK Claim 33: Line 64: Delete "computer-readable medium" and insert --computer-readable storage medium--.

COLUMN 33

OK Claim 33: Line 6: Delete "operands the states" and insert --operands states--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):
Hickman Palermo Truong & Becker LLP
2055 Gateway Place, Suite 550
San Jose, CA 95110

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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TWO EMBARCADERO CENTER
EIGHTH FLOOR
SAN FRANCISCO CA 94111-3834

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MAR 0 9 2006

OFFICE OF PETITIONS

In re Application of	:	
McGregor et al.	:	
Application No. 10/251,262	:	DECISION ON PETITION
Filed: 20 September, 2002	:	
Atty Docket No. 018684-001931US	:	

This is a decision on the petition filed on 8 September, 2005, under 37 CFR 1.137(b),[1] to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned on 24 February, 2004, for failure to timely submit the issue and publication fees in response to the Notice of Allowance and Fee(s) Due mailed on 23

---

[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)).

November, 2004, which set a three (3) month statutory period for reply. Notice of Abandonment was mailed on 5 August, 2005.

The issue and publication fees will be charged to counsel's deposit account.

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

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

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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COMMISSIONER FOR PATENTS
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P.O. BOX 1450
ALEXANDRIA, VA 22313-1450
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Paper No.

FOLEY & LARDNER LLP
111 HUNTINGTON AVENUE
26TH FLOOR
BOSTON MA 02199-7610

MAILED

JUN 22 2010

OFFICE OF PETITIONS

In re Application of :
Clausen et al. :
Application No. 10/251,271 :
Filed: September 20, 2002 :
Atty Docket No. 350930-0190 :
ZQI-118 US :
Title: COMPOSITIONS AND :
METHODS FOR MODIFYING BLOOD :
CELL CARBOHYDRATES :

ON APPLICATION FOR
PATENT TERM ADJUSTMENT

This is in response to the "REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT PURSUANT TO 37 C.F.R. §1.705," filed January 29, 2010. Applicant submits that the correct patent term adjustment to be indicated on the patent is one thousand, two hundred and sixty-eight (1268) days, not three hundred and thirty-three (333) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicant requests this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under

§ 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicant is advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e). No additional fees are required.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within 2 months

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

Telephone inquiries regarding this decision should be directed to Senior Attorney Paul Shanoski at (571) 272-3225.

Anthony Knight
Director
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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OFFICE OF PETITIONS

THE MATTHEWS FIRM
2000 BERING DRIVE
SUITE 700
HOUSTON TX 77057

In re Application of	:	
Warren S. COPE	:	
Application No. 10/251,287	:	DECISION ON PETITION
Filed: September 20, 2002	:	
Docket No. WELLOGIX-005-4	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed October 15, 2009, 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, January 23, 2008, which set a shortened statutory period for reply of three (3) months. A two (2) month extension of time under the provisions of 37 CFR 1.136(a) was obtained. Accordingly, the application became abandoned on June 24, 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 $1620; and (3) the required statement of unintentional delay.

It is not apparent whether the person signing the statement of unintentional delay was in a position to have firsthand or direct knowledge of the facts and circumstances of the delay at issue. Nevertheless, such statement is being treated as having been made as the result of a reasonable inquiry into the facts and circumstances of such delay. See 37 CFR 10.18(b) and Changes to Patent Practice and Procedure; Final Rule Notice, 62 Fed. Reg. 53131, 53178 (October 10, 1997), 1203 Off. Gaz. Pat. Office 63, 103 (October 21, 1997). In the event that such an inquiry has not been made, petitioner must make such an inquiry. If such inquiry results in the discovery that it is not correct that the entire delay in filing the required reply from the due

date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional, petitioner must notify the Office.

Telephone inquiries concerning this decision should be directed to the undersigned at (571) 272-6735.

This application is being referred to Technology Center AU 3624 for appropriate action by the Examiner in the normal course of business on the reply received October 15, 2009.

/Diane C. Goodwyn/
Diane C. Goodwyn
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

ROBERT A. KENT
HALLIBURTON ENERGY SERVICES
2600 SOUTH 2ND STREET
DUNCAN, OK 73536-0440

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OFFICE OF PETITIONS

In re Application of	:
Stanley v. Stephenson et al	:
Application No. 10/251,301	: DECISION GRANTING PETITION
Filed: September 20, 2002	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 2002-IP-007577U1	:

This is a decision on the petition, filed November 8, 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 19, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 3672 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).*

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PEPPER HAMILTON LP
ONE MELLON CENTER, 50TH FLOOR
500 GRANT STREET
PITTSBURGH PA 15219

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JUL 20 2006

OFFICE OF PETITIONS

In re Application of	:	
Timothy Robinson	:	
Application No. 10/251,305	:	ON PETITION
Filed: September 20, 2002	:	
Attorney Docket No. 129510.00001	:	

This is a decision on the petition, filed July 19, 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 31, 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 3621 will consider the request for continued examination under 37 CFR 1.114.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

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

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Paper No. _____

Date : July 20, 2006

TO : Director, Office of Patent Publication

FROM : Office of the Deputy Commissioner
for Patent Examination Policy

SUBJECT : Withdrawal from Issue of

Applicant(s) :Timothy Robinson
Application No. :10/251,305
Filed :September 20, 2002

The above-identified application has been assigned Patent No. 7,089,423 and an issue date of August 8, 2006.

It is hereby directed that this application be withdrawn from issue at the request of the applicant.

Do not refund the issue fee.

The following erratum should be published in the Official Gazette if the above-identified application is published in the OG of August 8, 2006:

"All reference to Patent No. 7,089,423 to Timothy Robinson of Virginia for SYSTEM AND METHOD FOR BIOMETRIC AUTHORIZATION FOR FINANCIAL TRANSACTIONS appearing in the Official Gazette of August 8, 2006 should be deleted since no patent was granted."

Karen Creasy

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

cc: Paul Harrison, MDW-4B03,(FAX-273-5468)
Deneise Boyd, MDE-3D39 (FAX-273-5124)
Mary Louise McAskill, ST-8C15 (FAX 305-4372)
Niomi Farmer, ST-8C14 (FAX-305-4372)
Mary E. Johnson (Cookie), MDE-7C71 (FAX 273-0038
Duane Davis P/OPC MDE-7D89

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HOFFMANN-LA ROCHE INC.
PATENT LAW DEPARTMENT
340 KINGSLAND STREET
NUTLEY NJ 07110

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OFFICE OF PETITIONS

In re Application of :
Ambrosius, et al. :
Application No. 10/251,313 : ON PETITION
Filed: September 20, 2002 :
Attorney Docket No. 20984 :
For: IMPROVED METHOD FOR
SEQUENCE SPECIFIC BIOTINYLATION

This is a decision on the petition under 37 CFR 1.181, filed January 6, 2006 (certificate of mailing date January 4, 2006), 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 7, 2005, which set forth an extendable one (1) month period for reply. The Office contended that this application became abandoned on April 8, 2005 for failure to reply to the March 7, 2005 non-final Office action. A Notice of Abandonment was mailed on November 16, 2005.

Petitioners assert a response to the March 7, 2005 non-final Office action was timely filed on April 4, 2005 (certificate of mailing date March 31, 2005). The undersigned finds this assertion completely convincing, as it is present in the application file in a document received on April 4, 2005 and entitled, "Communication and Supplemental Information Disclosure Statement".

The petition under 37 CFR 1.181 is **granted** and the Notice of Abandonment is **vacated**. 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. 1656 for consideration of the species election filed on April 4, 2005 (certificate of mailing date March 31, 2005).

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

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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8815 122ND NE
KIRKLAND, WA 98033

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MAR 0 1 2007

OFFICE OF PETITIONS

In re Application of
Allen, et al.
Application No.: 10/251,366
Filed: September 20, 2002
Attorney Docket No: 419.35

ON PETITION

This is in response to the petition under 37 CFR 1.137(b) filed December 28, 2006.

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

The subject application was filed on September 20, 2002. A Notice to File Missing Parts of Nonprovisional Application was mailed on October 25, 2002, allowing a shortened period for response of two-months from its mailing date. The notice required a proper oath or declaration to be filed and payment of the surcharge. Extension of time were available pursuant to 37 CFR 1.136(a). A proper response was noted as being received within in the allowable period and the application became abandoned on November 21, 2002. A Notice of Abandonment was mailed on January 21, 2004.

The above-identified application has been abandoned for an extended period of time. The Patent and Trademark Office is relying on petitioner's duty of candor and good faith and accepting the statement that the entire delay in filing the required reply form the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. See Changes to Patent Practice and Procedure, 62 Fed. Reg. at 53160 and 53178; 1203 Off. Gaz. Pat. Office at 88 and 103 (responses to comments 64 and 109) (applicant obligated under 37 CFR 10.18 to inquire into the underlying facts and circumstances when providing the statement required by 37 CFR 1.137(b) to the Patent and Trademark Office.

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

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

The executed declaration and surcharge were received on December 28, 2006.

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 (571) 272-3222.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

cc:
Kory D. Christensen
Stoel Rives, LLP
201 S. Main Street
Suite 1100
Salt Lake City, Utah 84111

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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ARRIS Group c/o Stoel Rives LLP
201 S. Main St., Ste 1100
Salt Lake City, UT 84111

Mail Date: 04/21/2010

Applicant	: Paul G. Allen	: DECISION ON REQUEST FOR
Patent Number	: 7650569	: RECALCULATION of PATENT
Issue Date	: 01/19/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/251,366	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/20/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **2252** 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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WOODCOCK WASHBURN LLP (MICROSOFT CORPORATION)
CIRA CENTRE, 12TH FLOOR
2929 ARCH STREET
PHILADELPHIA PA 19104-2891

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JUN 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Simonnet, et al.	:	
Application No. 10/251,370	:	DECISION ON PETITION
Filed: September 19, 2002	:	
Attorney Docket No. MSFT-1346/186575.1	:	

This is a decision on the petition under the unintentional delay provisions of 37 CFR 1.137(b), filed February 8, 2007, 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 January 29, 2007 (a Monday), as required by the Notice of Allowance and Fee(s) Due, mailed October 27, 2006. Accordingly, the date of abandonment of this application is January 28, 2007. A Notice of Abandonment was mailed on February 20, 2007.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioners have supplied (1) the reply in the form of payment of the issue fee of $1,400.00 and the publication fee of $300.00, (2) the petition fee of $1,500.00; and (3) a proper statement of unintentional delay.

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

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

Shirene Willis Brantley

Shirene Willis Brantley
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

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OFFICE OF PETITIONS

In re Application of Wilson et al. :
Application No. 10/251,384 :
Filing Date: September 20, 2002 :
Attorney Docket No. 3600/246 :

Decision on Petition

This is a decision on the petition, filed March 30, 2006, 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 under a multinational treaty on September 17, 2003. However, the USPTO was unintentionally not notified of this filing within 45 days subsequent to the filing of the application. As a result, 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 the above statute and 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 December 21, 2006, accompanies this decision on petition.

The Office of Publications will be informed of the instant decision and will mail a Notice of Publication Fee Due to petitioner.

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

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
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/251,384	09/20/2002	Jon S. Wilson	4798-20(25.1)

CONFIRMATION NO. 3830

1912
AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK, NY 10016

Date Mailed: 09/12/2006

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/21/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/251,384	09/20/2002	Jon S. Wilson	4798-20(25.1)

CONFIRMATION NO. 3830

1912
AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK, NY 10016

Date Mailed: 09/12/2006

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 12/21/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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Law Offices of John D. Gugliotta, PE, Esq.
137 S. Main ST. - SUITE 202
Akron, OH 44308

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FEB 08 2006

OFFICE OF PETITIONS

In re Application of	:	
Rudy Fluellen	:	
Application No. 10/251,389	:	ON PETITION
Filed: September 20, 2002	:	
Attorney Docket No. 02-1095	:	

This is a decision on the petition under 37 CFR 1.137(b), filed on December 30, 2005, 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 on June 13, 2005. A Notice of Abandonment was mailed November 4, 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; (2) the petition fee of $750; and (3) an adequate statement of unintentional delay. Therefore, the petition is **GRANTED**.

This application 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

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FROM DIRECTORS OFFICE

JUN 15 2005

TECHNOLOGY CENTER 3600

TAROLLI, SUNDHEIM, COVELL
& TUMMINO, L.L.P.
526 Superior Avenue, Suite 1111
Cleveland, OH 44114

In re Application of:	:	
Daniel E. Williams	:	NOTICE OF WITHDRAWAL
Application No. 10/251,393	:	FROM ISSUE
Filed: September 20, 2002	:	UNDER 37 CFR § 1.313
Attorney Docket No. TRW(RG)6278	:	

The above-identified application is withdrawn from issue pursuant to 37 CFR § 1.313 due to the unpatentability of one or more claims.

The above-identified application is hereby withdrawn from issue.

United States Patent and Trademark Office (USPTO) records indicate that the issue fee has not yet been submitted. If the issue fee and publication fee has been submitted, applicant may request: (1) a refund; or, (2) that the fee be credited to a deposit account. Applicant may, however, wait until such time as the application is either allowed or abandoned to make such request. If the application is subsequently allowed, upon receipt of a new Notice of Allowance and Issue and Publication Fee Due, applicant may further request that the previously submitted issue fee and publication fee be applied toward payment of the issue fee and publication fee in the amount identified in the new Notice of Allowance and Issue and Publication Fee Due. If the application is abandoned, applicant may request either a refund or a credit to a specified Deposit Account.

Telephone inquires should be directed to Supervisory Patent Examiner Judy Swann (571)-272-7075.

The above-identified application is being forwarded to the examiner for prompt appropriate action, including notifying applicant of the new status of this application.

Donald T. Hajec, Director
Technology Center 3600

Cc: Office of Patent Publication

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: —

DATE : 5/16/02

TO SPE OF : ART UNIT 3677

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/251,393 Patent No: 7048461B2

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: In Column 9, lines 55 - 67 [as opposed to 55 - 66 as currently stated in cofc] should be deleted. Basically, claim 13 needs to be removed.

JENNIFER H. GAY
SUPERVISORY PATENT EXAMINER
SPE

3676
Art Unit

PTOL-306 (REV. 7/03)

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Office

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : March 23, 2006

TO SPE OF : ART UNIT 3636

SUBJECT : Request for Certificate of Correction for Appl. No.: 10/251406 Patent No.: 7,000,986

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

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

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

Magdalene Talley

Certificates of Correction Branch

703-308-9390 ext. 116

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: _____

DAVID DUNN
SUPERVISORY PATENT EXAMINER

SPE

3636
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

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OCT 28 2004

Director's Office
Group 3700

Paper No. 11

In re Application of
Jon S. Wilson *et al*
Application No. 10/251,411
Filed: September 20, 2002
Attorney Docket No. 4798-6E(26.0)

DECISION ON PETITION

This is a decision on the petition filed on February 27, 2004 by which petitioners request withdrawal of the holding that this application is abandoned for failure to pay the issue fee that was due on or before January 1, 2004. The petition is considered pursuant to 37 CFR 1.181, and no fee is required.

The petition is granted.

Petitioners allege that this application is not abandoned because petitioners did not receive the Notice of Allowance dated October 1, 2003, or any of the attachments thereto. Therefore, the fee could not be paid. In support of this allegation, petitioner has made a showing as discussed at MPEP § 711.03(c). The showing has been reviewed and it clearly satisfies the requirements of the Notice published at 1156 OG 53 pertaining to abandonment resulting from nonreceipt of Office correspondence. Based upon petitioners' showing, it is clear this application is not abandoned.

It is also noted that the file wrapper shows that the originally mailed Notice of Allowance, which appears to have been properly addressed to the correspondence address of record, was returned to the Office for "insufficient address."

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 Technology Center 3700 to mail a new Notice of Allowance, together with a complete copy of the Notice of Allowability and all attachments thereto. The period for payment of the Issue Fee will run THREE MONTHS from the date upon which the new Notice of Allowance is mailed, and cannot be extended pursuant to 37 CFR 1.136. **The period for reply to certain requirements that may be set forth on the attached Notice of Allowability with respect to the submission of an oath or declaration, and with respect to certain requirements pertaining to the submission of formal drawings or drawing corrections, can no longer be extended. See 37 CFR 1.85(c), and 37 CFR 1.136(c) as amended, effective November 7, 2000, published at 65 Federal Register 54670 and 54674, respectively.**

After the above mailings are accomplished, the application will be forwarded to the Office of Patent Publication for processing into a patent.

PETITION GRANTED.

Richard A. Bertsch

Richard A. Bertsch, Director
Technology Center 3700

Michael Kenney, Esq.
Amster, Rothstein & Ebenstein
90 Park Avenue
New York, NY 10016

AMSTER, ROTHSTEIN & EBENSTEIN	
DOCKETED	11.11.04
CLIENT	3600 / 243
DUE DATE	
ACTION	
DKT BY AP	REVIEWED BY

MICHAEL KENNEY, ESQ.
AMSTER, ROTHSTEIN & EBENSTEIN
90 PARK AVENUE
NEW YORK, NY 10016

RECEIVED
NOV 2 2004
AMSTER ROTHSTEIN & EBENSTEIN LLP

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AUG 30 2006

OFFICE OF PETITIONS

AMSTER, ROTHSTEIN & EBENSTEIN LLP
90 PARK AVENUE
NEW YORK NY 10016

In re Application of	:	
Jon S. Wilson et al	:	
Application No. 10/251,411	:	DECISION GRANTING PETITION
Filed: September 20, 2002	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 4798-6E(26.0)	:	

This is a decision on the petition, filed April 17, 2006, 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 September 17, 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 December 7, 2006 accompanies this decision on petition.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3208.

This application is being forwarded to the Office of Patent Publications.

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Paper No. 100703

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OCT 9 2003

OFFICE OF DIRECTOR GROUP

CALFEE HALTER & GRISWOLD, LLP
800 Superior Avenue
Suite 1400
Cleveland, OH 44114

In re Application of:
MERLE *et al.*
Serial No.: 10/251,426
Filed: September 20, 2002
Attorney Docket No.: **24837-04267**

DECISION ON PETITION TO MAKE APPLICATION SPECIAL

This is a decision on the petition under 37 C.F.R. § 1.102(d), filed September 03, 2002, and supplemented on October 06, 2003, to make the above-identified application special.

The petition requests that the above-identified application be made special under the accelerated examination procedure set forth in the Manual of Patent Examining Procedure (M.P.E.P.), Section 708.02, Item II: Infringement.

A grantable petition under 37 C.F.R. § 1.102(d), M.P.E.P. § 708.02, Section II, must be accompanied by the required fee pursuant to 37 C.F.R. § 1.17(h) and 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 satisfies the above-listed requirements for special status.

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/she should make a rigid search for such, he/she is authorized to do so for the next action. Should the application be rejected, the application will not be considered special for the subsequent action unless the applicant promptly makes a bona fide effort to place the

application in condition for allowance, even if it is necessary to have an interview with the examiner to accomplish this purpose.

If the examiner finds any interfering application for the same subject matter, he/she should consider such application simultaneously with this application and should state in the official letter of such application that he/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.

After allowance, this application will be given priority for printing. See M.P.E.P. § 1309.

Inquiries regarding this decision should be directed to Clayton E. LaBalle at (703) 308-0519.

Clayton E. LaBalle, Special Programs Examiner
Technology Center 2800
Semiconductors, Electrical and Optical
Systems and Components

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Paper No. 7

Baker Botts L.L.P.
Suite 600
2001 Ross Avenue
Dallas TX 75201-2980

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MAY 2 1 2003

OFFICE OF PETITIONS

In re Application of
Christopher G. Hipp
Application No. 10/251,432
Filed: September 19, 2002
Attorney Docket No. 067856.0242
For: MODULAR SERVER PROCESSING CARD SYSTEM AND METHOD

DECISION ACCORDING STATUS UNDER 37 CFR 1.47(b)

This is in response to the petition under 37 CFR 1.47(b), filed January 17, 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 after having been presented with the application papers. Specifically, the Declaration of Facts of Luke K. Pedersen establishes that the inventor was mailed the application papers, including the specification, claims and drawings, but failed to respond to the request that he sign the declaration. In addition, petitioner has shown that RLX Technologies, Inc. has a proprietary interest in the above-identified application with the copy of an employment agreement showing that the inventor had an obligation to assign any patent rights to Rocketlogix, Inc. Rocketlogix, Inc. later changed its name to RLX Technologies, Inc. A copy of the Amended Certificate of Authority accompanies the present petition. The petition fee has been paid. Lastly, petitioner has submitted a declaration in compliance with 37 CFR 1.63 and 1.64 and demonstrated that such action is necessary to prevent irreparable damage.

This application and papers have been reviewed and found in compliance with 37 CFR 1.47(b). This application is hereby accorded Rule 1.47(b) status.

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.

Telephone inquiries should be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

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MAY 21 2003

OFFICE OF PETITIONS

Christopher Hipp
1590 Stockbridge Avenue
Redwood City, CA 94061

In re Application of :
Christopher G. Hipp :
Application No. 10/251,432 : LETTER
Filed: September 19, 2002 :
Attorney Docket No. 067856.0242 :
For: MODULAR SERVER PROCESSING CARD:
SYSTEM AND METHOD

Dear Mr. Hipp:

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

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Christina Tartera Donnell at (703) 306-5589. Requests for information regarding your application should be directed to the File Information Unit at (703) 308-2733. Information regarding how to pay for and order a copy of the application, or a specific paper in the application, should be directed to Certification Division at (703) 308-9726 or 1-800-972-6382 (outside the Washington D.C. area).

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

Baker & Botts, LLP
Suite 600
2001 Ross Avenue
Dallas TX 75201-2980

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 19

GERALD F. SWISS, ESQ.
BURNS DOANE SWECKER & MATHIS LLP
P O BOX 1404
ALEXANDRIA, VA 22313-1404

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MAR 25 2004

OFFICE OF PETITIONS

In re Application of
Andrei W. Konradi et al
Application No. 10/251,442
Filed: September 20, 2002
Attorney Docket No. 002010-783

DECISION GRANTING PETITION
UNDER 37 CFR 313(c)(2)

This is a decision on the petition, filed March 11, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on December 19, 2003 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries 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 1624 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed petition to correct inventorship under 37 CFR 1.47(b) embodied in the instant petition.[2]

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).

[2] Since different matters may be considered by different parts of the Office, each distinct subject, inquiry or order must be contained in a separate paper to avoid confusion and delay in answering papers dealing with different subjects. *Note* 37 CFR 1.4(c).

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APR 11 2007

OFFICE OF PETITIONS

FOLEY & LARDNER LLP
1530 PAGE MILL ROAD
PALO ALTO CA 94304

In re Patent No. 7,049,306	:	
Issue Date: May 23, 2006	:	
Application No. 10/251,442	:	ON PETITION
Filed: September 20, 2002	:	
Attorney Docket No. 342837-1552	:	

This is a decision on the petition filed May 30, 2006, under 37 CFR 3.81(b)[1] to correct the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is granted.

Telephone inquiries concerning this matter may be directed to the undersigned at (571) 272-3208. Any questions concerning the issuance of the Certificate of Correction should be directed to the Certificates of Correction Branch at (703) 305-8309.

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

Karen Creasy

Karen Creasy
Petitions Examiner
Office of Petitions

[1]See Official Gazette of June 22, 2004

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.:20070130

DATE : January 30, 2007

TO SPE OF : ART UNIT 1625

SUBJECT : Request for Certificate of Correction on Patent No.: 6,762,309

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:

Thomas McKenzie

SPE: Thomas McKenzie, Ph.D. **Art Unit** 1625

PTO/SB/44 (04-04)
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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,762,309 B2

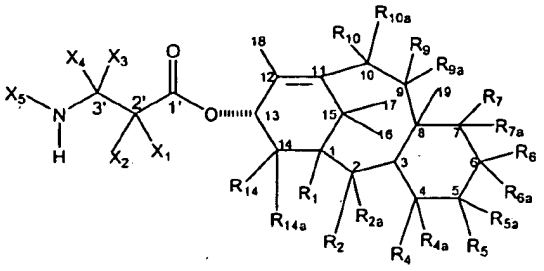
DATED : July 13, 2004

INVENTOR(S) : Robert A. Holton et al.

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

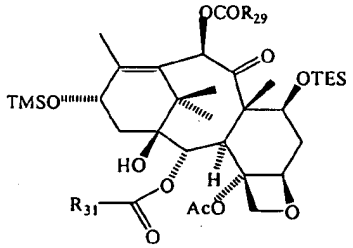
Column 2

Lines 21-28, chemical structure (3) should read:



Column 22

The last recited structure in Scheme 10 should read:



MAILING ADDRESS OF SENDER:

Edward J. Hejlek
Senniger, Powers, Leavitt & Roedel
One Metropolitan Square, 16th Fl.
St. Louis, Missouri 63102

PATENT NO. 6,762,309

No. of additional copies

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

FEB 28 2005

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UNITED STATES PATENT AND TRADEMARK OFFICE
CERTIFICATE OF CORRECTION

PATENT NO. : 6,762,309 B2

DATED : July 13, 2004

INVENTOR(S) : Robert A. Holton et al.

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

Column 36

Claim 1, line 61 "with R_{10}" should read -- with R_9 --.

MAILING ADDRESS OF SENDER:

Edward J. Hejlek
Senniger, Powers, Leavitt & Roedel
One Metropolitan Square, 16th Fl.
St. Louis, Missouri 63102

PATENT NO. 6,762,309

No. of additional copies

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: **Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

FEB 28 2005

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Paper No.

IMMUNEX CORPORATION
PATENT OPERATIONS/MS 28-2-C
ONE AMGEN CENTER DRIVE
THOUSAND OAKS CA 91320-1799

In re Application of	:	
McGrew et al.	:	
Application No. 10/251,447	:	ON APPLICATION FOR
Filed: 09/20/2002	:	PATENT TERM ADJUSTMENT
Atty Docket No. 3265-A	:	

This is in response to the APPLICATION FOR PATENT TERM ADJUSTMENT UNDER 37 CFR 1.702(b) AND 1.705(b) filed on September 3, 2009. Applicants requests that the determination of patent term adjustment be corrected from 3 days to 531 days. Applicants request this correction, in part, on the basis that the Office will take in excess of three years to issue this patent.

To the extent the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within 3 years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentee is entitled to for Office failure to issue the patent within 3 years. See § 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined. Likewise, the computer will not calculate any further Office delay under § 1.702(a)(4) or applicant delay under § 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office can not make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the

initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss as premature such a request.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicant must timely file an application for patent term adjustment prior to the payment of the issue fee[1].

The Office acknowledges submission of the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term adjustment under 37 CFR 1.705(b).

Applicants state that no terminal disclaimer has been filed.

To the extent that the instant application for patent term adjustment requests reconsideration of the PTA at the time of the mailing of the Notice of Allowance, the request is **GRANTED TO THE EXTENT INDICATED**.

---

[1] For example, if applicant disputes both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicant must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the §1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

The Office has updated the PALM and PAIR screens to reflect that the correct Patent Term Adjustment (PTA) determination at the time of the mailing of the Notice of Allowance is five (5) days. A copy of the updated PAIR screen, showing the correct determination, is enclosed.

On August 6, 2009, 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 was 3 days (391 days of PTO delay less 388 days of applicant delay).

The instant application for patent term adjustment was timely filed.[2]

Applicants assert that a response to the restriction requirement mailed on December 15, 2004, was filed on May 4, 2005, rather than May 6, 2005. Applicants contend that a period of reduction of 50 days, rather than 52 days, should be entered pursuant to 37 CFR 1.704(b) for applicant delay in responding to the restriction requirement mailed on December 15, 2004.

A review of the record supports a conclusion that the reply to the restriction requirement mailed on December 15, 2004 was filed on May 4, 2005. Accordingly, the period of reduction of 52 days will be removed and a period of reduction of 50 days will be entered.

In view thereof, the correct patent term adjustment at the time of the mailing of the notice of allowance is five (5) days (391 days of Office delay less 386 (388-2) 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 application is being forwarded to the Office of Data Management for issuance of the patent. The patent term adjustment indicated on the patent (as shown on the Issue Notification mailed about three weeks prior to patent issuance) will include any additional adjustment accrued both for Office delay in issuing the patent more than four months after payment of the issue fee and satisfaction of all outstanding

[2] PALM Records indicate that the issue fee was paid on November 5, 2009.

requirements, and for the Office taking in excess of three years to issue the patent (to the extent that the three-year period does not overlap with periods already accorded).

Telephone inquiries specific to this decision should be directed to Senior Petitions Attorney Douglas I. Wood at (571) 272-3231.

Christina Tartera Donnell

Anthony Knight
Supervisor
Office of Petitions

Encl: Revised PALM Calculation

Day : Thursday
Date: 1/28/2010

PALM INTRANET

Time: 15:40:49

PTA Calculations for Application: 10/251447			
Application Filing Date:	09/20/2002	PTO Delay (PTO):	391
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	388
Post-Issue Petitions:	0	Total PTA (days):	5
PTO Delay Adjustment:	2		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
121	01/28/2010	ADJUSTMENT OF PTA CALCULATION BY PTO		50	
120	01/28/2010	ADJUSTMENT OF PTA CALCULATION BY PTO	52		
111	08/06/2009	MAIL NOTICE OF ALLOWANCE			
110	08/03/2009	ISSUE REVISION COMPLETED			
109	08/03/2009	DOCUMENT VERIFICATION			
108	08/04/2009	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
107	08/04/2009	CASE DOCKETED TO EXAMINER IN GAU			
106	08/03/2009	EXAMINER'S AMENDMENT COMMUNICATION			
105	08/03/2009	NOTICE OF ALLOWABILITY			
104	07/22/2009	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
99	05/19/2009	DATE FORWARDED TO EXAMINER			
98	05/11/2009	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
97	05/19/2009	DATE FORWARDED TO EXAMINER			
96	05/11/2009	REQUEST FOR CONTINUED EXAMINATION (RCE)			
95	05/19/2009	DISPOSAL FOR A RCE / CPA / R129			
94	05/11/2009	WORKFLOW - REQUEST FOR RCE - BEGIN			
93	04/29/2009	CORRESPONDENCE ADDRESS CHANGE			
92	04/14/2009	MAIL ADVISORY ACTION (PTOL - 303)			
91	04/13/2009	ADVISORY ACTION (PTOL-303)			
90	03/11/2009	DATE FORWARDED TO EXAMINER			
89	03/09/2009	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
88	03/09/2009	NOTICE OF APPEAL FILED		1	87

87	12/08/2008	MAIL FINAL REJECTION (PTOL - 326)			
86	12/08/2008	FINAL REJECTION			
85	06/11/2008	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
79	09/23/2008	DATE FORWARDED TO EXAMINER			
78	08/14/2008	RESPONSE AFTER NON-FINAL ACTION		61	73
77	08/14/2008	REQUEST FOR EXTENSION OF TIME - GRANTED			
76	06/11/2008	REFERENCE CAPTURE ON IDS			
75	06/11/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
74	06/11/2008	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
73	03/14/2008	MAIL NON-FINAL REJECTION			
72	03/03/2008	NON-FINAL REJECTION			
57	12/28/2007	DATE FORWARDED TO EXAMINER			
56	12/18/2007	RESPONSE AFTER NON-FINAL ACTION		91	53
55	12/18/2007	REQUEST FOR EXTENSION OF TIME - GRANTED			
53	06/18/2007	MAIL NON-FINAL REJECTION			
52	06/11/2007	NON-FINAL REJECTION			
51	02/04/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
50	02/04/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
49	01/17/2003	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
48	01/17/2003	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
47	02/28/2007	MISCELLANEOUS INCOMING LETTER			
46	03/22/2007	DATE FORWARDED TO EXAMINER			
45	02/28/2007	AMENDMENT SUBMITTED/ENTERED WITH FILING OF CPA/RCE			
44	03/22/2007	DATE FORWARDED TO EXAMINER			
43	02/28/2007	REQUEST FOR CONTINUED EXAMINATION (RCE)			
42	03/22/2007	DISPOSAL FOR A RCE / CPA / R129			
41	03/09/2007	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
40	02/28/2007	WORKFLOW - REQUEST FOR RCE - BEGIN			

39	11/20/2006	MAIL ADVISORY ACTION (PTOL - 303)			
38	11/13/2006	ADVISORY ACTION (PTOL-303)			
37	10/10/2006	CRF IS FLAWED TECHNICALLY / NOT ENTERED INTO DATABASE			
36	10/06/2006	DATE FORWARDED TO EXAMINER			
35	09/29/2006	AMENDMENT/ARGUMENT AFTER NOTICE OF APPEAL			
34	09/29/2006	NOTICE OF APPEAL FILED		92	32
33	09/29/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
32	03/29/2006	MAIL FINAL REJECTION (PTOL - 326)			
31	03/20/2006	FINAL REJECTION			
30	01/11/2006	DATE FORWARDED TO EXAMINER			
29	12/20/2005	RESPONSE AFTER NON-FINAL ACTION		91	25
28	12/20/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
27	10/21/2005	MAIL EXAMINER INTERVIEW SUMMARY (PTOL - 413)			
26	10/18/2005	EXAMINER INTERVIEW SUMMARY RECORD (PTOL - 413)			
25	06/20/2005	MAIL NON-FINAL REJECTION			
24	06/13/2005	NON-FINAL REJECTION			
23	05/17/2005	DATE FORWARDED TO EXAMINER			
22	05/06/2005	RESPONSE TO ELECTION / RESTRICTION FILED		52	20
21	05/06/2005	REQUEST FOR EXTENSION OF TIME - GRANTED			
20	12/15/2004	MAIL RESTRICTION REQUIREMENT	391		-1
19	12/13/2004	REQUIREMENT FOR RESTRICTION / ELECTION			
18.7	10/06/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
18	10/06/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
17	07/29/2004	CASE DOCKETED TO EXAMINER IN GAU			
16	03/12/2004	REFERENCE CAPTURE ON IDS			
15	03/08/2004	CRF IS GOOD TECHNICALLY / ENTERED INTO DATABASE			
14	03/04/2004	IFW AMENDED CASE PROCESSING COMPLETE			
13	02/24/2004	PRELIMINARY AMENDMENT			
10	07/21/2003	IFW TSS PROCESSING BY TECH CENTER COMPLETE			

9	03/17/2003	CASE DOCKETED TO EXAMINER IN GAU			
8	11/26/2002	APPLICATION DISPATCHED FROM OIPE			
7	11/25/2002	APPLICATION IS NOW COMPLETE			
5	11/06/2002	ADDITIONAL APPLICATION FILING FEES			
4	11/06/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
3	10/24/2002	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
2	09/29/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/20/2002	INITIAL EXAM TEAM NN			

Search Another: Application# Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

To go back, right click here and select Back. To go forward, right click here and select Forward. To refresh, right click here and select Refresh.

Back to OASIS | Home page

PTO/SB/66 (03-09)
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U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
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PETITION TO ACCEPT UNINTENTIONALLY DELAYED PAYMENT OF MAINTENANCE FEE IN AN EXPIRED PATENT (37 CFR 1.378(c))

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,815,409	2004-11-09	10/251,458	2002-09-20	2818.4620000/BJD/KMH

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

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

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

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

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

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

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Brian J. Del Buono Reg. No. 42,473/	Date (YYYY-MM-DD)	2009-10-07
Name	Brian J. Del Buono	Registration Number	42473

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. 6815409
Issue Date: November 9,2004
Application No. 10251458
Filed: September 20,2002
Attorney Docket No. C6640(V)

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

This is a decision on the electronic petition, filed October 7,2009 ,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 7,2009 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

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

Mail Date: 04/21/2010

Applicant	: Sunil P. Chitnis	: DECISION ON REQUEST FOR
Patent Number	: 7587485	: RECALCULATION of PATENT
Issue Date	: 09/08/2009	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/251,459	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/19/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **1180** 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

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Office of Patent Publication

BARNES & THORNBURG
P.O. BOX 2786
CHICAGO IL 60690-2786

In re Application of
NELSON, CHRISTOPHER R., et al. :
Application No. 10/251,461 : **DECISION ON PETITION**
Filed: September 20, 2002 :
Attorney Docket No. 0095-1024.1 :

This is a decision on the Petition To Withdraw Holding Of Abandonment, received in the United States Patent and Trademark Office (USPTO) on March 23, 2005.

The petition is **GRANTED**.

The application was abandoned for failure to timely file a proper reply to the Office letter — Notice Regarding Drawings — mailed November 16, 2004. The proposed reply received January 7, 2005, does not constitute a proper reply under 37 CFR 1.113 to the final rejection.

Petitioner argues that there was no outstanding final rejection for response by applicant. Further, that on January 16, 2004 applicants were requested to file new formal drawings. On January 2, 2004 applicants filed formal drawings. Through an inadvertent error two sheets of Fig. 2 were provided.

The Office acknowledges receipt of the letter Re-Submission of Formal Drawings with two sheets (2) sheets of formal drawings in response to the Notice Regarding Drawings mailed November 16, 2004. As stated by the Petitioner two sheets of Fig. 2 were received instead of the required Figs.1 and 2.

The Notice of Abandonment was improper, since the Notice Regarding Drawings is not a final office action, and the Office could have held the response — Re-Submission of Formal Drawings — a bona fide reply under 37 CFR 1.135(c) and therefore given the applicant a new time period to respond under 37 CFR 1.134.

The holding of abandonment is hereby withdrawn.

Since, the required Figs. 1 and 2 were received with the instant petition, no Notice requiring drawings will be mailed.

Thomas Hawkins

Thomas Hawkins
Paralegal Specialist
Office of the Director
Office of Patent Publication

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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ROPES & GRAY LLP
PATENT DOCKETING 39/41
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BOSTON MA 02110-2624

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SEP 18 2008

In re Application of	:	
GONNELLI, Robert R.	:	
Application No. 10/251,480	:	DECISION ON PETITION
Filed: September 19, 2002	:	TO WITHDRAW
Attorney Docket No. **BVTP-P01-023**	:	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 02, 2008.

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 Yu Lu on behalf of all attorneys of record. All attorneys/agents associated have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

The request to change the correspondence address 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.

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

Michelle R. Eason
Paralegal Specialist
Office of Petitions

cc: **ROBERT R. GONNELLI**
52 JAMES BRITE CIRCLE
MAHWAH, NEW JERSEY 07430

cc: **MR. MARK LEWIS**
SENIOR DIRECTOR, PROGRAM MANAGEMENT
VALERITAS LLC
800 BOSTON TURNPIKE
SHREWSBURY, MASSACHUSETTES 01545

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

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

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,849,587	2005-02-01	10/251,481	2002-09-20	2818.4630000/BJD/KMH

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Brian J. Del Buono Reg. No. 42,473/	Date (YYYY-MM-DD)	2009-10-07
Name	Brian J. Del Buono	Registration Number	42473

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.**

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1. The information on this form will be treated confidentially to the extent allowed under the Freedom of Information Act (5 U.S.C. 552) and the Privacy Act (5 U.S.C. 552a). Records from this system of records may be disclosed to the Department of Justice to determine whether 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. 6849587
Issue Date: February 1,2005
Application No. 10251481
Filed: September 20,2002
Attorney Docket No. C6639(V)

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

This is a decision on the electronic petition, filed October 7,2009 ,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 7,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

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. 7

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

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JUN 3 0 2003
OFFICE OF PETITIONS

In re Application of Andrew R. Large Application No. 10/251,515 Filed: September 19, 2002 Attorney Docket No. 3399P094	: : : : :	DECISION GRANTING PETITION UNDER 37 CFR 1.137(b)

This is a decision on the petition filed May 14, 2003, under 37 CFR 1.137(f) which is being treated under the unintentional provisions of 37 CFR 1.137(b), to revive the instant nonprovisional application.

The petition is **DISMISSED AS MOOT**.

If an applicant makes a nonpublication request and then rescinds the nonpublication request before or on the date a counterpart application is filed in an eighteen-month publication country, the application will be treated as if the nonpublication request were never made. In the instant application, a notice to rescind was filed prior to the filing date of the foreign filing. See 35 U.S.C. § 122(b)(2)(B)(ii).

Additionally, the petition fee of $1300 is being credited to petitioner's deposit account as authorized.

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 2122 for examination in due course.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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JJGJR.: 06-06

Paper No: __

THOMAS LOOP
P.O. BOX 21466
SEATTLE WA 98111

COPY MAILED

JUN 19 2006

OFFICE OF PETITIONS

In re Application of :
Ohlsen :
Application No. 10/251,518 : ON PETITION
Filed: 20 September, 2002 :
Attorney Docket No. 690089.404C1 :

This is a decision on a petition filed on 3 May, 2006, under 37 C.F.R. §1.137(b).

For the reasons set forth below, the petition under 37 C.F.R. §1.137(b) is **GRANTED**.

BACKGROUND

The record indicates:

- Applicant's former Counsel failed to reply timely to the non-final Office action mailed on 19 August, 2005, with reply due absent extension of time on or before Monday, 21 November, 2005;

- the instant application went abandoned by operation of law after midnight 19 November, 2005;

- the Office mailed the Notice of Abandonment on 27 March, 2006

- Petitioner filed the instant petition with fee on 3 May, 2006, with, *inter alia*, a reply in the form of an amendment, and made the statement of unintentional delay–thus, Petitioner appears to have satisfied the regulatory requirements under 37 C.F.R. §1.137(b).

STATUTES, REGULATIONS AND ANALYSIS

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

Allegations as to Unintentional Delay

The requirements for relief under the provisions of 37 C.F.R. §1.137(b) are: petition, fee, reply,

---

[1] 35 U.S.C. §133 provides:
35 U.S.C. §133 Time for prosecuting application.
Upon failure of the applicant to prosecute the application within six months after any action therein, of which notice has been given or mailed to the applicant, or within such shorter time, not less than thirty days, as fixed by the Commissioner in such action, the application shall be regarded as abandoned by the parties thereto, unless it be shown to the satisfaction of the Commissioner that such delay was unavoidable.

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

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

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

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

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

showing of unintentional delay, and–where appropriate–a terminal disclaimer and fee.

It appears that Petitioner has satisfied the requirements of the regulation.

CONCLUSION

Because Petitioner appears to have satisfied the regulatory requirements, regulation, the petition under 37 C.F.R. §1.137(b) is **granted**.

The application is released to the Examiner in Technology Center 1700 for further processing in due course.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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SEYFARTH SHAW
55 EAST MONROE STREET
SUITE 4200
CHICAGO, IL 60603-5803

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JUL 2 8 2004

OFFICE OF PETITIONS

In re Application of	:	
Happ et al.	:	
Application No. 10/251,521	:	DECISION GRANTING PETITION
Filed: September 20, 2002	:	UNDER 37 CFR 1.137(b)
Attorney Docket No. 457700	:	

This is a decision on the petition, filed July 2, 2004, 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 September 10, 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 November 4, 2004 accompanies this decision on petition.

This matter is being forwarded to Technology Center 3700 for examination in due course.

Telephone inquiries concerning this decision 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

ATTACHMENT: Notice Regarding Rescission of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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SALIWANCHIK LLOYD & SALIWANCHIK
A PROFESSIONAL ASSOCIATION
PO BOX 142950
GAINESVILLE FL 32614-2950

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OFFICE OF PETITIONS

In re Application of
Druzgala, et al.
Application No. 10/251,522
Filed: September 20, 2002
Attorney Docket No. ARYX-103CXC2
For: MATERIALS AND METHODS FOR THE TREATMENT OF DIABETES, HYPERLIPIDEMIA, HYPERCHOLESTEROLEMIA, AND ATHEROSCLEROSIS

: DECISION ON PETITION
: UNDER 37 CFR 1.78(a)(6)

This is a decision on the petition under 37 CFR 1.78(a)(6), filed July 26, 2004 (certificate of mailing date July 22, 2004), to accept an unintentionally delayed claim under 35 U.S.C. §119(e) for the benefit of the prior-filed provisional applications set forth in the concurrently filed amendment.

The petition is **GRANTED**.

A petition under 37 CFR 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000. Further, the petition is appropriate only after expiration of the period specified in 37 CFR 1.78(a)(5)(ii) and must be filed during the pendency of the nonprovisional application. In addition, the petition must be accompanied by:

(1) the reference required by 35 U.S.C. § 119(e) and 37 CFR 1.78(a)(5)(i) to the prior-filed application, unless previously submitted;
(2) the surcharge set forth in § 1.17(t); and
(3) a statement that the entire delay between the date the claim was due under 37 CFR 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Commissioner may require additional information where there is a question whether the delay was unintentional.

The instant pending nonprovisional application was filed on September 20, 2002, earlier than

twelve months of the filing dates of the prior-filed provisional applications for which priority is claimed: Application Nos. 60/ 199,146, filed April 24, 2000; 60/234,423, filed September 21, 2000; 60/281,982, filed April 6, 2001; 60/297,838, filed June 13, 2001; and 60/314,792, filed August 24, 2001. Since the subject nonprovisonal application was not filed within twelve months of the filing dates of the provisional applications, the subject application must also include a benefit claim under 35 U.S.C. §120 to the intermediate prior nonprovsional applications that were filed within twelve months of the filing dates of the provisional applications for which priority is claimed. Petitioner has identified the intermediate prior nonprovisional applications that are directly claiming the benefit of the provisional applications and has indicated the relationship between the nonprovisional applications. (Eg., an indication that the subject application is a continuation-in-part of the prior nonprovisional applications). The proper reference 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 applications 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 Nos. 60/ 199,146, filed April 24, 2000; 60/234,423, filed September 21, 2000; 60/281,982, filed April 6, 2001; 60/297,838, filed June 13, 2001; and 60/314,792, filed August 24, 2001 is granted.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications 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 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. §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 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 dates.

A corrected Filing Receipt, which includes the priority claim to the prior-filed provisional applications, accompanies this decision on petition.

Any inquiries concerning this decision may be directed to Petitions Attorney E. Shirene Willis at (571) 272-3230.

The application is being forwarded to Technology Center AU 1600 for appropriate action on the amendment submitted July 26, 2004 (certificate of mailing date July 22, 2004), including consideration by the examiner of the claim under 35 U.S.C. §119(e) for the benefit of priority to prior-filed provisional Application Nos. 60/199,146, filed April 24, 2000; 60/234,423, filed September 21, 2000; 60/281,982, filed April 6, 2001; 60/297,838, filed June 13, 2001 and 60/314,792, filed August 24, 2001.

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

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

Paper No. 13

Stephen B. Salai, Esq.
Harter, Secrest & Emery LLP
1600 Bausch & Lomb Place
Rochester, NY 14604-2711

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DEC 0 2 2003

OFFICE OF PETITIONS

In re Application of :
Kazuaki Morii, et al. :
Application No. 10/251,524 : ON PETITION
Filed: September 20, 2002 :
Attorney Docket No. JG-WSF- :
5056C/500689.20019

This is a decision on the petition under 37 CFR 1.137(a), filed October 1, 2003, to revive the above-identified application.

The petition is **DISMISSED.**

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

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the required reply, unless previously filed;[1] (2) the petition fee as set forth in 37 CFR 1.17(l); (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required pursuant to 37 CFR 1.137(c). The instant petition lacks item (3).

---

[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.

This application became abandoned for failure to reply to the non-final Office action mailed January 31, 2003. A Notice of Abandonment was mailed on August 11, 2003.

Petitioner alleges that a "Revocation and Power of Attorney" which included a change of correspondence address was filed on January 29, 2003, two days prior to the mailing of the non-final Office action.

The showing of record is not sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).

Petitioner has not provided any documentation (i.e., post card receipt, certificate of mailing, etc.) to show that the change of address was, in fact, filed on January 29, 2003. A cursory review of the file record discloses that the Revocation and Power of Attorney containing a change of correspondence address was received in the USPTO on February 7, 2003, one week after the Office action was mailed. The documents do not contain a certificate of mailing under 37 CFR 1.8 nor a certificate of express mail under 37 CFR 1.10. In view thereof, the belated filing of the change of address does not constitute unavoidable delay.

Since the Office action was mailed to the previous attorney, did that attorney receive the correspondence? Petitioner should make an inquiry to the previous attorney as to what steps were taken to timely file a reply to the outstanding Office action.

Petitioner should consider filing a petition stating that the delay was unintentional. Public Law 97-247, § 3, 96 Stat. 317 (1982), which revised patent and trademark fees, amended 35 U.S.C. § 41(a)(7) to provide for the revival of an "unintentionally" abandoned application without a showing that the delay in prosecution or in late payment of the issue fee was "unavoidable." This amendment to 35 U.S.C. § 41(a)(7) has been implemented in 37 CFR 1.137(b). An "unintentional" petition under 37 CFR 1.137(b) must be accompanied by the $665 petition fee.

The filing of a petition under 37 CFR 1.137(b) cannot be intentionally delayed and therefore must be filed promptly. A person seeking revival due to unintentional delay cannot make a statement that the delay was unintentional unless the entire delay, including the date it was discovered that the application was abandoned until the filing of 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).

Moreover, the terminal disclaimer filed with the instant petition did not contain the requisite $55 fee. Additionally, no authorization to charge the deposit account was included in the terminal disclaimer or the petition. Therefore, petitioner must submit the $55 terminal disclaimer fee upon the filing of any future petition pertaining to this matter.

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

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

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the Customer Window located at:

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

The centralized facsimile number is **(703) 872-9306.**

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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Paper No. 17

Stephen B. Salai, Esq.
Harter, Secrest & Emery LLP
1600 Baush and Lomb Place
Rochester, NY 14604-2711

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JAN 16 2004

OFFICE OF PETITIONS

In re Application of
Kazuaki Morii, et al.
Application No. 10/251,524
Filed: September 20, 2002
Attorney Docket No. JG-WSF-5056C/500689.20019

ON PETITION

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

The petition is **GRANTED.**

Petitioner asserts that a Power of Attorney and new correspondence address was mailed to the USPTO via certificate of mailing under 37 CFR 1.8 on January 29, 2003, prior to the mailing of the non-final Office action. In support, petitioner provides a copy of the certificate of mailing dated January 29, 2003, as well as a post card receipt containing a date stamp of February 7, 2003.

The showing of record is sufficient to establish to the satisfaction of the Commissioner that the delay was unavoidable within the meaning of 35 U.S.C. § 151 and 37 CFR 1.137(a).

Petitioner submitted a second petition fee in the amount of $55, which is unnecessary. Accordingly, petitioner may request a refund of the $55 petition fee by writing to the Office of Finance, Refund Section. A copy of this decision should accompany such a request.

The application file is being forwarded to Technology Center 1700.

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

Marianne E. Morgan

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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PVF -- RAMBUS, INC.
c/o PARK, VAUGHAN & FLEMING, LLP
2820 FIFTH STREET
DAVIS CA 95618-7759

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JAN 19 2010

In re Application of	:	
Adrian E. ONG	:	
Patent No. 6,996,652	:	NOTICE
Application No. 10/251,530	:	
Filed: Sejptember 19, 2002	:	
Attorney Docket No. **R-RA0679.P.US**		

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

Inquiries related to this communication should be directed to Tredelle Jackson at (571) 272-2783.

Ramesh Krishnamurthy

Ramesh Krishnamurthy
Petitions Examiner
Office of Petitions

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.
10/251,551	09/20/2002	Sajan Gianchandani	1353-02	4325

35811 7590 05/07/2004

IP DEPARTMENT OF PIPER RUDNICK LLP
ONE LIBERTY PLACE, SUITE 4900
1650 MARKET ST
PHILADELPHIA, PA 19103

EXAMINER
NGUYEN, SANG H

ART UNIT	PAPER NUMBER
2877	

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.
10251 551			

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.

AS

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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BRADLEY M GANZ, PC
P O BOX 10105
PORTLAND OR 97296

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MAY 21 2004
OFFICE OF PETITIONS

In re Application of
Lawrence Andrew Hoffman
Application No. 10/251,553
Filed: September 19, 2002
Attorney Docket No. HOF-2009

DECISION GRANTING PETITION

This is a decision on the petition under 37 CFR 1.182, filed February 5, 2004, captioned "Petition For Inventor Name And Residence Data Correction."

The petition is **granted.**

The name of the sole inventor will be changed from "Drew Hoffman" to - - **Lawrence Andrew Hoffman**- -. However, our current records indicates that the residence data is Portland, OR, as requested. The Office acknowledges receipt of a newly signed supplemental declaration with the corrected data submitted on February 5, 2004.

The Office records have been corrected to reflect the change of the inventor's name as noted above. A corrected filing receipt is enclosed.

Unfortunately, the petition was not acted upon until after the application issued as a patent on March 30, 2004. Accordingly, petitioner may wish to file a request for a Certificate of Correction under 37 CFR 1.323 with the requisite $100.00 fee to the Certificates of Correction Branch.

Any inquiries concerning this decision may be directed to the undersigned at (703) 306-5589.

Christina Tartera Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

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MORGAN & FINNEGAN LLP
3 WORLD FINANCIAL CENTER
NEW YORK, NY 10281-2101

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DEC 0 2 2004

OFFICE OF PETITIONS

In re Application of	:
Kenji Yamazoe et al	:
Application No. 10/251,581	: DECISION GRANTING PETITION
Filed: September 20, 2002	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. 1232-4917	:

This is a decision on the petition, filed December 1, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on August 11, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This matter is being referred to Technology Center AU 1756 for processing of the request for continued examination under 37 CFR 1.114 and for consideration of the concurrently filed amendment and 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).*

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Paper No. 12

VISTEON
C/O BRINKS HOFER GILSON & LIONE
P O BOX 10395
CHICAGO, IL 60610

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MAY 2 8 2004

OFFICE OF PETITIONS

In re Application of	:
Jim Bielicki et al	:
Application No. 10/251,582	: DECISION GRANTING PETITION
Filed: September 20, 2002	: UNDER 37 CFR 313(c)(2)
Attorney Docket No. 10541-1511	:

This is a decision on the petition, filed May 25, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 28, 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 3747 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).

#5

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UNITED STATES PATENT AND TRADEMARK OFFICE
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ALEXANDRIA, VA 22313-1450
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JUN 10 2004

TECHNOLOGY CENTER 2100

Paper No. 5

Matthew Rainey
HOWREY SIMON ARNOLD & WHITE, LLP
Box 34
301 Ravenswood Ave.
Menlo Park, CA 94025

In re Application of:
Madany
Application No. 10/251,601
Filed: September 19, 2002
For: SYSTEM FOR STORING BLOCK ALLOCATION INFORMATION ON MULTIPLE SNAPSHOTS

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation Under 37 CFR 1.36 and 10.40(c) filed December 13, 2002.

A Power of Attorney Under 37 CFR 1.36 was filed on March 12, 2004. The Power Of Attorney revoked all prior Powers Of Attorney and appointed SUN MICROSYSTEMS, INC. as the attorneys of record of the instant application. The Power Of Attorney of March 12, 2004, was accepted. Accordingly, all communications from the U.S. Patent and Trademark Office to applicant are to be conducted by SUN MICROSYSTEMS, INC.

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

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

James R. Matthews
for Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security

cc: Paul D. Sorkin
SUN MICROSYSTEMS, INC.
1 Network Drive, MS UBUR02-310
Burlington, MA 01803

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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WASHINGTON, D.C. 20231
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Paper No. 5

KILPATRICK STOCKTON LLP
3737 GLENWOOD AVENUE
SUITE 400
RALEIGH NC 27612

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OFFICE OF PETITIONS

In re Application of	:	
Tarquini, Robertson, and Sandefur	:	
Application No.: 10/251,621	:	
Filed: September 20, 2002	:	DECISION ACCORDING
Attorney Docket No: 51693/277917	:	STATUS UNDER
For: METHOD AND SYSTEM FOR	:	RULE 47(a)
CHARACTERIZATION OF ONLINE BEHAVIOR	:	

This is in response to the petition under 37 CFR 1.47(a), filed January 6, 2003.

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.

A "Notice to File Missing Parts of Non-Provisional Application" ("Notice") was mailed to petitioner on October 16, 2002, indicating that petitioner did not to file a proper oath or declaration in compliance with 37 CFR 1.63 and that the required filing fee was not remitted.. The Notice also advised petitioner that a $130.00 surcharge was also due because a proper oath or declaration was not timely filed. The Notice set forth a period of reply of two months from its mailing date and indicated that extensions of time for reply were available pursuant to 37 CFR 1.136(a).

In response thereto, petitioner filed a request for an one- month extension of the time set for reply and the instant petition. Petitioner also filed several accompanying exhibits through which petitioner established that although the inventor Robertson was presented with a complete copy of the application papers, inventor Robertson has, to date, failed to execute the same.

Inventor Robertson's failure to return the declaration, in spite of his receipt of the same, will be interpreted as constructive refusal to join the prosecution of the application.

Petitioner has shown that the non-signing inventor has refused to join the filing of the above-identified application after having been presented with the application papers, and the above-identified application and papers have been reviewed and found in compliance with 37 CFR 1.47(a). This application is hereby accorded Rule 1.47(a) status.

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

This application will be forwarded to the Office of Initial Patent Examination for further processing.

Telephone inquiries should be directed to the undersigned at (703) 305-0010.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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

Michael Robertson
1603 Claiborne Court
Raleigh, NC 27606

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MAR 3 1 2003

OFFICE OF PETITIONS

In re Application of
Tarquini, Robertson, and Sandefur
Application No. 10/251,621
Filed: September 20, 2002
Attorney Docket Number: 51693/277917
For: METHOD AND SYSTEM FOR
CHARACTERIZATION OF ONLINE BEHAVIOR

LETTER

Dear Mr. Robertson:

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

Telephone inquiries regarding this communication should be directed to Petitions Attorney Kenya A. McLaughlin at (703) 305-0010. 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).

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

Kilpatrick Stockton LLP
3737 Glenwood Avenue
Suite 400
Raleigh, NC 27612

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WARD AND SMITH, PA
1001 COLLEGE COURT
P.O. BOX 867
NEW BERN, NC 28563-0867

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OFFICE OF PETITIONS

In re Application of	:	
Maureen Mendick Tarquini	:	
Application No. 10/251,621	:	DECISION ON PETITION
Filed: September 20, 2002	:	TO WITHDRAW
Attorney Docket No. 070921-00002	:	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 November 19, 2007.

The request is **DISMISSED** as moot.

A review of the file record indicates that the power of attorney to Ward & Smith, PA has been revoked by the assignee of the patent application on April 22, 2008. Accordingly, the request to withdraw under 37 C.F.R. § 1.36(b) is moot.

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

Telephone inquires concerning this decision should be directed to undersigned at 571-272- 1642.

April M. Wise
Petitions Examiner
Office of Petitions

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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SULLIVAN LAW GROUP
Suite 1140
1850 North Central Avenue
Phoenix AZ 85004-4586

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OCT 0 3 2005

OFFICE OF PETITIONS

In re Application of	:	
Marc Hathaway	:	
Application No. 10/251,627	:	DECISION ON PETITION
Filed: September 20, 2002	:	
Attorney Docket No. 1950-002	:	

This is a decision on the petition under 37 CFR 1.137(b), filed June 6, 2005, to revive the above-identified application. The application file was recently forwarded to the Office of Petitions for a decision on the petition. The Office apologizes for any inconvenience to petitioner.

This application became abandoned for failure to reply timely to the nonfinal Office Action mailed on March 15, 2004, which set a three (3) month shortened statutory period to reply. Accordingly, this application became abandoned on June 16, 2004. A Notice of Abandonment was mailed on December 27, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b). Petitioner submitted the required reply in the form of an amendment, paid the petition fee, and made the proper statement of unintentional delay.

The petition is **granted**.

The application file is being forwarded to Technology Center Art Unit 3618.

Telephone inquiries should be directed to the undersigned at (571) 272-3211.

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
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Schwegman, Lundberg, Woessner & Kluth
PO Box 2938
Minneapolis, MN 55402

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OFFICE OF PETITIONS

In re Application of
Yonce et al.
Application No. 10/251,629
Filed: Sept. 19, 2002
Attorney Docket No. 279.508US1

: DECISION GRANTING PETITION

This decision is in response to applicants' "APPLICATION FOR PATENT TERM ADJUSTMENT under 37 CFR 1.705(b)" TIMELY[1] filed on May 16, 2007 requesting that the Office adjust the Patent Term Adjustment determination from a determination of zero (0) days to a determination of 553 days.

Applicant's request for PTA is **GRANTED.** The Office will *sua sponte* adjust the PTA determination at the time of the mailing of the notice of allowance from 0 to 553 days.

Applicants argue that the Office erred in entering the response after no-final as 2/16/2003 rather than the correct filing date of 2/16/2006. Accordingly, since the date entered was incorrect the 810 day reduction for the alleged supplemental reply under 37 CFR 1.704(c)(8)on May 6, 2005 was an error. Applicant assert that the only proper delay by applicant was thirty-four days for the actual submission on February 16, 2006 under 37 CFR 1.704(b). Accordingly, applicants assert that the proper PTA at the time of the mailing of the notice of allowance is 553 days. Office delay by a period of 587 days under 37 CFR 1.702(a)(1) and applicant delay amounted to 34 days under 37 CFR 1.704(c)(8).

Applicants arguments have been considered and are deemed persuasive. The Office notes that the reply to the restriction was filed on February 16, 2006 not February 16, 2003. Accordingly, the IDS submission on May 6, 2005 would not have been a supplemental reply to the February 16, 2003 response since there was no response on February 16, 2003.[2] Accordingly, the 810-day reduction under 37 CFR 1.704(c)(8) is errant based upon an improper entry date for the reply to the election/restriction requirement. Since the reply was actually filed on February 16, 2006, the response to the election/restriction requirement was more than three months after the filing of the

---

[1] Issue fee paid on May 16, 2007.

[2]It is noted that the Office did not mail a restriction/election requirement until June 28, 2005. Thus, applicant could not have filed a reply to a nonexistent restriction requirement on February 16, 2003. The 5/6/2005 submission is considered a preliminary submission and would have been a reduction only if it was considered a reduction under 37 CFR 1.704(c)(6). There was no reduction pursuant to 37 CFR 1.704(c)(6).

requirement on October 3, 2005. Accordingly, a delay of 34 days as suggested was proper under 37 CFR 1.704(b). Therefore at the time of the mailing of the notice of allowance, the proper amount of PTA is 553 (587-34=553) days based upon Office delay of 587 days under 37 CFR 1.702(a)(1) and 34 days of applicant delay under 37 CFR 1.704(b).

After the mailing of this decision, the application will be forwarded to the Office of Patent Publications for a prompt issuance of the patent

Any additional PTA pursuant to 37 CFR 1.702(b) or 1.702(a)(4) will be added to the PTA at the time of the issuance of the patent and will be reflected in the issue notification letter that is mailed to applicants approximately three weeks prior to issuance of the patent.

Applicants have submitted the $200.00 fee for this application. No additional fees are required.

Any questions concerning this decision should be directed to Kery A. Fries, Senior Legal Advisor, Office of Patent Legal Administration at 571-272-7757.

Kery A Fries

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

CC: Copy of Adjusted Pair Calculation

Day : Saturday
Date: 9/15/2007

PALM INTRANET

Time: 12:07:34

PTA Calculations for Application: 10/251629

Application Filing Date:	09/19/2002	PTO Delay (PTO):	587
Issue Date of Patent:		Three Years:	0
Pre-Issue Petitions:	0	Applicant Delay (APPL):	810
Post-Issue Petitions:	0	Total PTA (days):	553
PTO Delay Adjustment:	776		

File Contents History

Number	Date	Contents Description	PTO	APPL	START
55	09/15/2007	ADJUSTMENT OF PTA CALCULATION BY PTO		34	
54	09/15/2007	ADJUSTMENT OF PTA CALCULATION BY PTO	810		
47	02/20/2007	MAIL NOTICE OF ALLOWANCE			
46	02/16/2007	ISSUE REVISION COMPLETED			
45	02/16/2007	NOTICE OF ALLOWANCE DATA VERIFICATION COMPLETED			
44	02/15/2007	NOTICE OF ALLOWABILITY			
43	12/04/2006	APPEAL BRIEF REVIEW COMPLETE			
42	12/04/2006	DATE FORWARDED TO EXAMINER			
41	10/23/2006	APPEAL BRIEF FILED			
40	10/23/2006	REQUEST FOR EXTENSION OF TIME - GRANTED			
39	06/22/2006	NOTICE OF APPEAL FILED			
38	03/22/2006	MAIL FINAL REJECTION (PTOL - 326)			
37	03/20/2006	FINAL REJECTION			
36	02/16/2006	INFORMATION DISCLOSURE STATEMENT CONSIDERED			
35	02/16/2006	REFERENCE CAPTURE ON IDS			
34	02/16/2006	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
33	03/01/2006	DATE FORWARDED TO EXAMINER			
32	02/16/2003	RESPONSE AFTER NON-FINAL ACTION			
31	02/16/2003	REQUEST FOR EXTENSION OF TIME - GRANTED			
25	10/13/2005	MAIL NON-FINAL REJECTION			
24	10/12/2005	NON-FINAL REJECTION			
23	10/06/2005	CASE DOCKETED TO EXAMINER IN GAU			

22	08/02/2005	REFERENCE CAPTURE ON IDS			
21	08/02/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		0	19
20	08/09/2005	DATE FORWARDED TO EXAMINER			
19	08/02/2005	RESPONSE TO ELECTION / RESTRICTION FILED			
18	06/28/2005	MAIL RESTRICTION REQUIREMENT	587		-1
17	06/24/2005	REQUIREMENT FOR RESTRICTION / ELECTION			
16	05/06/2005	REFERENCE CAPTURE ON IDS			
15	05/06/2005	INFORMATION DISCLOSURE STATEMENT (IDS) FILED		810	32
14	04/08/2004	IFW TSS PROCESSING BY TECH CENTER COMPLETE			
13	03/01/2004	REFERENCE CAPTURE ON IDS			
12	12/02/2002	REFERENCE CAPTURE ON IDS			
11	03/01/2004	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
10	04/01/2003	CASE DOCKETED TO EXAMINER IN GAU			
9	12/02/2002	INFORMATION DISCLOSURE STATEMENT (IDS) FILED			
8	01/13/2003	APPLICATION DISPATCHED FROM OIPE			
7	01/13/2003	APPLICATION IS NOW COMPLETE			
6	12/26/2002	PAYMENT OF ADDITIONAL FILING FEE/PREEXAM			
5	12/26/2002	A STATEMENT BY ONE OR MORE INVENTORS SATISFYING THE REQUIREMENT UNDER 35 USC 115, OATH OF THE APPLIC			
4	10/18/2002	NOTICE MAILED--APPLICATION INCOMPLETE--FILING DATE ASSIGNED			
3	10/16/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
2	09/30/2002	IFW SCAN & PACR AUTO SECURITY REVIEW			
1	09/19/2002	INITIAL EXAM TEAM NN			

Search Another: Application# [ ] Search

EXPLANATION OF PTA CALCULATION

EXPLANATION OF PTE CALCULATION

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SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 12/21/05

TO SPE OF : ART UNIT 3731.

SUBJECT : Request for Certificate of Correction on Patent No.: 6,958,071

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

Please complete this form and return with file, within 7 days to:
Certificates of Correction Branch - PK 3-915
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.

Nancy

Certificates of Correction Branch

Thank You For Your Assistance

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

Note your decision on the appropriate box.

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

Comments: –

Todd C. Manahan
SPE

3731
Art Unit

U.S. DEPARTMENT OF COMMERCE Patent and Trademark Offi

PTOL-306 (REV. 7/03)

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

Paper No. 5

DORSEY & WHITNEY LLP
INTELLECTUAL PROPERTY DEPARTMENT
4 EMBARCADERO CENTER
SUITE 3400
SAN FRANCISCO CA 94111

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JAN 28 2003

OFFICE OF PETITIONS

In re Application of
Hammen, et al.
Application No. 10/251,653
Filed: September 20, 2002
Attorney Docket No. A-69071-1/RFT
469190
For: COMPOSITE MATRICES WITH
INTERSTITAL POLYMER NETWORKS

DECISION GRANTING
PETITION

This is a decision on the petition, filed December 18, 2002 (certificate of mailing date December 12, 2002), requesting, in effect, partial withdrawal of the Notice to File Missing Parts of Nonprovisional Application (Notice), mailed October 22, 2002, insofar as it alleges page 27 was missing on initial filing.

The application was deposited on September 20, 2002. On October 22, 2002, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that page 27 of the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that page 27 be accorded a filing date of Septembert 20, 2002 on the basis that the entire specification, including allegedly missing page 27, was received in the Patent and Trademark Office (PTO) on September 20, 2002. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated barcode citing September 20, 2002 as the date of receipt. The postcard lists, *inter alia*, that the filing included 59 pages of specification. A review of the application file reveals that there are 58 pages present. Page 27 is missing.

The return postcard constitutes *prima facie* evidence that the entire specification, including missing page 27, was filed on September 20, 2002. MPEP 503. Accordingly, the request is granted.

Pursuant to petitioners' authorization, the $130.00 petition fee will be refunded by way of a treasury check that will be scheduled shortly.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of September 20, 2002, using the copy of page 27 supplied with the petition.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

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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DORSEY & WHITNEY LLP
555 CALIFORNIA STREET, SUITE 1000
SAN FRANCISCO, CA 94104

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OCT 28 2005

OFFICE OF PETITIONS

In re Application of :
Richard F. Hammen et al :
Application No. 10/251,653 :
Filed: September 20, 2002 :
Attorney Docket No. A-69071-1 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed September 29, 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** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed October 1, 2004, 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)). No amendment *prima facie* placing the application in condition for allowance or Notice of Appeal (and appeal fee) was timely filed, no extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 2, 2005.

The file does not indicate a change of address has been submitted, although the address given on the petition differs from the address of record. If appropriate, a change of address should be filed in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address given on the petition; however, the Office will mail all future correspondence solely to the address of record.

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

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

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

cc: Richard F. Trecartin
Dorsey & Whitney
Four Embarcadero Center, Suite 3400
San Francisco, CA 94111-4187

Attachment: Advisory Action

UNITED STATES PATENT AND TRADEMARK OFFICE

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

RICHARD TRECARTIN
DORSEY & WHITNEY LLP
555 CALIFORNIA STREET, SUITE 1000
SAN FRANCISCO, CA 94104

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FEB 23 2006

OFFICE OF PETITIONS

In re Application of :
Richard F. Hammen et al :
Application No. 10/251,653 :
Filed: September 20, 2002 :
Attorney Docket No. A-69071-1 :

ON PETITION

This is a decision on the renewed petition under 37 CFR 1.137(b), filed November 17, 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** final agency action within the meaning of 5 U.S.C. § 704.

A grantable petition under 37 CFR 1.137(b) must be accompanied by: (1) the required reply, unless previously filed; (2) the petition fee as set forth in 37 CFR 1.17(m); (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional; and (4) any terminal disclaimer (and fee as set forth in 37 CFR 1.20(d)) required by 37 CFR 1.137(c). Where there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137 was unintentional, the Commissioner may require additional information. See MPEP 711.03(c)(III)(C) and (D). The instant petition lack(s) item(s) (1).

The above-identified application became abandoned for failure to reply within the meaning of 37 CFR 1.113 in a timely manner to the final Office action mailed October 1, 2004, 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)). No amendment *prima facie* placing the application in condition for allowance or Notice of Appeal (and appeal fee) was timely filed, one month extension of time under the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the above-identified application became abandoned on January 2, 2005.

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

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

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

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

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

Irvin Dingle
Petitions Examiner
Office of Petitions

Attachment: Advisory Action

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DORSEY & WHITNEY LLP
555 CALIFORNIA STREET
SUITE 1000
SAN FRANCISCO, CA 94104

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SEP 01 2006

OFFICE OF PETITIONS

In re Application of	:	
Richard F. Hammen et al	:	
Application No. 10/251,653	:	ON PETITION
Filed: September 20, 2002	:	
Attorney Docket No. A-69071-1	:	

This is a decision on the renewed petition filed, March 27, 2006 under 37 CFR 1.137(b), to revive the above-identified application.

The petition is **GRANTED.**

The above-identified application is being revived solely for purposes of continuity with a Request For Continued Examination (RCE) filed on March 27, 2006.

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

This matters is being referred to Technology Center AU 1723 for further processing.

Irvin Dingle
Petitions Examiner
Office of Petitions

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United States Patent and Trademark Office
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Alexandria, VA 22313-1450
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MORRISON & FOERSTER LLP
12531 HIGH BLUFF DRIVE
SUITE 100
SAN DIEGO CA 92130-2040

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JUL 29 2009

OFFICE OF PETITIONS

In re Application of	:	
Li, et al.	:	
Application No. 10/251,657	:	ON PETITION
Filed: September 20, 2002	:	
Attorney Docket No. 312762003400	:	

This is a decision on the petition to revive under 37 CFR 1.137(a), filed June 9, 2009.

The petition under 37 CFR 1.137(a) is **DISMISSED**.

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)". Extensions of time under 37 CFR 1.136(a) are permitted. No fee is required for a renewed petition.

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed October 7, 2008. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on January 8, 2009. The Office mailed a Notice of Abandonment on May 12, 2009.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable

petition pursuant to this paragraph was unavoidable. The instant petition lacks item (1).

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

Petitioner argues that the final Office action was mailed to the incorrect address. A review of the application file reveals the presence of a Change of Correspondence Address, filed on June 29, 2007. However, subsequent Office actions, including the October 7, 2008 final Office action, was not mailed to the address set forth in the Change of Correspondence Address.

In view of the above, it is concluded that petitioner has met his burden of establishing that the delay was unavoidable.

However, the Amendment submitted with the petition does not place the application in condition for allowance. A proper response to a final office action consists of either: (1) an amendment that *prima facie* (i.e. on its face) places the application in condition for allowance; (2) a Notice of Appeal (and the required fee); (3) a Request for Continued Examination (and the required fee), or (4) a continuing application.

Accordingly, on renewed petition, petitioner must submit a Notice of Appeal, RCE, or a continuing application.

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

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[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

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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MORRISON & FOERSTER LLP
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SUITE 100
SAN DIEGO CA 92130-2040

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SEP 28 2009
OFFICE OF PETITIONS

In re Application of	:	
Li, et al.	:	
Application No. 10/251,657	:	ON PETITION
Filed: September 20, 2002	:	
Attorney Docket No. 312762003400	:	

This is a decision on the renewed petition to revive under 37 CFR 1.137(a), filed August 28, 2009.

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

The above-identified application became abandoned for failure to timely file a proper reply to the final Office action mailed October 7, 2008. This Office action set a shortened statutory period for reply of three months. No reply having been received, the application became abandoned on January 8, 2009. The Office mailed a Notice of Abandonment on May 12, 2009. Applicant filed a petition to revive under 37 CFR 1.137(a) on June 9, 2009. However, the petition was dismissed in a decision mailed on July 29, 2009. The petition was dismissed because applicant's Amendment did not place the application in condition for allowance.

A grantable petition under 37 CFR 1.137(a) must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee set forth in 37 CFR 1.17(l); and (3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unavoidable.

Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable: "The word 'unavoidable' ... is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business."[1]

With the instant petition, petitioner submitted the required reply in the form of an RCE. The other requirements for a grantable petition under 37 CFR 1.137(a) were satisfied with the petition filed on June 9, 2009.

The application is being forwarded to Group Art Unit 1632 for consideration of the RCE, filed August 28, 2009.

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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[1] In re Mattulath, 38 App. D.C. 497, 514-15 (1912)(*quoting* Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 U.S.P.Q. 666, 167-68 (D.D.C. 1963), aff'd, 143 U.S.P.Q. 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913).

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8027 ILIFF DRIVE
DUNN LORING, VA 22027

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MAR 1 7 2009

OFFICE OF PETITIONS

In re Application of	:	
Anders Hanson	:	
Application No. 10/812,997	:	ON PETITION
Filed: March 31, 2004	:	
Attorney Docket No. 150-153	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed February 17, 2009, 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 March 20, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that prima facie places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(II)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is June 21, 2007. A Notice of Abandonment was mailed November 1, 2007.

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 $405, (2) the petition fee of $810, and (3) an adequate statement of unintentional delay.

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 Alicia Kelley at (571) 272-6059.

This application is being referred to Technology Center AU 3724 for processing of the RCE and for appropriate action by the Examiner in the normal course of business in accordance with 37 CFR 1.114.

/SDB/

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

cc: STEVEN S. PAYNE
ARATOR IP LAW GROUP PLLC
P.O. BOX 65024
WASHINGTON, DC 20035

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
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EDWARD S. WRIGHT
1100 ALMA STREET, SUITE 207
MENLO PARK CA 94025

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MAR 1 7 2009

OFFICE OF PETITIONS

In re Patent No. 6,885,586
Issue Date: April 26, 2005
Application No. 10/251,664
Filed: September 19, 2002
Attorney Docket No. A-71696/ESW

NOTICE

This is a notice regarding your request for acceptance of a fee deficiency submission under 37 CFR 1.28.

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

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

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

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.

Petitioner will not receive future correspondence related to maintenance fees for the patent unless a "Fee Address" Indication Form (see PTO/SB/47) and Request for Customer Number (see PTO/SB/125) are submitted.

Inquiries related to this communication should be directed to the undersigned at (571) 272-3213.

Cheryl Gibson Baylor

Cheryl Gibson-Baylor
Petitions Examiner
Office of Petitions

cc: Kendal M. Sheets
CPA North America, LLC
225 Reinekers Lane, Suite 400
Alexandria, VA 22314

Attachment(s)

PTO/SB/47 (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 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.

PTO/SB/125A (11-08)
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Please assign a Customer Number to the Address indicated below.

Firm *or* Individual Name			
Address			
City		State	Zip
Country			
Telephone		Email	

Please associate the following practitioner registration number(s) with the Customer Number assigned to the Address cited above.

☐ Additional practitioner registration numbers are listed on supplemental sheet(s) attached hereto.

Request Submitted by:

Firm Name (if applicable)			
Signature			
Name of person submitting request		Date	
Registration Number, if applicable		Telephone Number	

This collection of information is required by 37 CFR 1.33. 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: Mail Stop CN, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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Request for Customer Number

Practitioner Registration Number Supplemental Sheet

Page of Pages

Please associate the following practitioner registration number(s) with the Customer Number assigned to the Address cited on Request for Customer Number form attached.

Firm Name	
Date	☐ Additional supplemental sheets(s) attached hereto

This collection of information is required by 37 CFR 1.33. 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: Mail Stop CN, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

LEWIS AND ROCA LLP
1663 HWY 395, SUITE 201
MINDEN, NV 89423

MAILED

MAR 13 2009

OFFICE OF PETITIONS

In re Application of	:	
Theodore McBain	:	
Application No. 10/251,666	:	DECISION ON PETITION
Filed: September 19, 2002	:	TO WITHDRAW
Attorney Docket No. MCB-005	:	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 **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 was signed by Kenneth D'Alessandro on behalf of all attorneys of record who are associated with this application. All attorneys/agents associated with this application have been withdrawn. Applicant is reminded that there is no attorney of record at this time.

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

There are no pending Office actions at the present time.

Telephone inquiries concerning this decision should be directed to undersigned at 571-272-1642.

/AMW/
April M. Wise
Petitions Examiner
Office of Petitions

cc: THEODORE MCBAIN
PO BOX 4024
INCLINE VILLAGE, NV 89450

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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APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/251,666	09/19/2002	Theodore McBain	MCB-005

CONFIRMATION NO. 3606

28661
LEWIS AND ROCA LLP
1663 Hwy 395, Suite 201
Minden, NV 89423

POWER OF ATTORNEY NOTICE

OC000000034918793

Date Mailed: 03/10/2009

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 02/03/2009.

- 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.

/amwise/

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

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Commissioner for Patents
United States Patent and Trademark Office
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12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

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MAY 3 1 2006

OFFICE OF PETITIONS

ON PETITION

In re Application of :
Lawrence T. Clark et al. :
Application No. 10/251,674 :
Filed: September 20, 2002 :
Attorney Docket No. 42P13896 :

This is a decision on the petition filed March 21, 2006, to revive the above identified application under 37 CFR 1.137(b)[1].

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

This application became abandoned on May 18, 2004, for failure to file a timely response to a Restriction Requirement mailed April 15, 2004, which set a one month shortened statutory period for reply. No extensions of the time for reply under 37 CFR 1.136(a) were obtained. Accordingly, a Notice of Abandonment was mailed January 18, 2005.

The petition fee in the amount of $1500.00 has been applied to the finance records for the instant patent application.

Additionally, there is no indication that petitioner herein was ever empowered to prosecute the instant application. If petitioner desires to receive future correspondence regarding this application, the appropriate power of attorney documentation must be submitted. A courtesy copy of this decision will be mailed to petitioner. However, all future correspondence will be directed to the address of record until such time as appropriate instructions are received to the contrary.

---

[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)).

The response to the Restriction Requirement filed March 21, 2006 will be referred to Technology Center 2818 for further processing.

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

Patricia Faison-Ball

Patricia Faison-Ball
Senior Petitions Attorney
Office of Petitions

cc:

LANNY L. PARKER
OC2-157
4500 S. DOBSON ROAD
CHANDLER, AZ 85248

UNITED STATES PATENT AND TRADEMARK OFFICE

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KACVINSKY LLC
C/O INTELLEVATE
P.O. BOX 52050
MINNEAPOLIS MN 55402

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DEC 0 2 2008

OFFICE OF PETITIONS

In re Application of
Lawrence T. Clark, et. al.
Application No. 10/251,674
Filed: September 20, 2002
Attorney Docket No. 1020.P13896

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed August 22, 2008, 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 January 2, 2008 (next business day after January 1, 2008), as required by the Notice of Allowance and Fee(s) Due, mailed October 1, 2007. Accordingly, the date of abandonment of this application is January 3, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of payment of the issue fee of $1440 and the publication fee of $300, (2) the petition fee of $1540; 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 so notify the Office.

Telephone inquiries concerning this decision should be directed to Denise Williams at (571) 272-8930.

This application is being referred to the Office of Data Management for processing into a patent.

Brian W. Brown
Petitions Examiner
Office of Petitions

S/N 10/251,674 **PATENT**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:	Lawrence Clark	Examiner: Viet Q. Nguyen
Serial No.:	10/251,674	Group Art Unit: 2827
Filed:	September 20, 2002	Docket: 1020.P13896
Title:	CROSS-COUPLED WRITE CIRCUIT	

PETITION TO REVIVE APPLICATION UNDER 37 CFR 1.137(b)

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

Applicant respectfully request the revival of the above-identified patent application under 37 C.F.R. 1.137(b) as being unintentionally abandoned for failure to submit a reply to the Notice of Allowance mailed October 1, 2007 by the final deadline of January 1, 2008. The case was unintentionally abandoned due to a change in counsel.

The Commissioner is authorized to charge $1540 due under 37 CFR 1.17(m) to deposit account 50-4238.

Respectfully submitted,

Customer Number: 57035

Date August 22, 2008

By /John F. Kacvinsky/
John F. Kacvinsky
Reg. No. 40,040

OIPE IAP7
AUG 25 2008
PATENT & TRADEMARK OFFICE

PTO/SB/64 (12-07)
Approved for use through 12/31/2007. OMB 0651-0031
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)

Docket Number (Optional) 1020.P13896

First named inventor: Lawrence Clark

Application No.: 10/251,674 Art Unit: 2827

Filed: September 20, 2002 Examiner: Viet Q. Nguyen

Title: CROSS-COUPLED WRITE CIRCUIT

Attention: Office of Petitions
Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450
FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:
(1) Petition fee;
(2) Reply and/or issue fee;
(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
(4) Statement that the entire delay was unintentional.

1. Petition fee
☐ Small entity-fee $ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity – fee $ 1540.00 (37 CFR 1.17(m))

2. Reply and/or fee
A. The reply and/or fee to the above-noted Office action in the form of _____(identify type of reply):

☐ has been filed previously on _____.
☐ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of $ 1740.00.
☐ has been paid previously on _____.
☒ is enclosed herewith.

This collection of information is required by 37 CFR 1.137(b). 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 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

08/25/2008 INTEFSW 00000533 10251674
01 FC:1453 1540.00 OP

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
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Ingrid A. Beattie, Ph.D., J.D.
Mintz, Levin, Cohn, Ferris,
Glovsky and Popeo, P.C.
One Financial Center
Boston MA 02111

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OCT 31 2007

OFFICE OF PETITIONS

In re Application of
Kuliopulos, et al.
Application No. 10/251,703
Filed: September 20, 2002
Attorney Docket No. 18475-034 CIP (NEMC-215 C

DECISION ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 12, 2007, to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned December 1, 2006 for failure to timely file a proper reply to the non-final Office action mailed May 31, 2006. Notice of Abandonment was mailed December 20, 2006.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a response to the non-final Office action, (2) the required petition fee, and (3) a proper statement of unintentional delay.

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

This application is being referred to Technology Center AU 1647 for appropriate action by the Examiner in the normal course of business on the reply received

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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INGRID A. BEATTIE, Ph.D., J.D.
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY & POPEO, P.C.
ONE FINANCIAL CENTER
BOSTON MA 02111

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FEB 23 2010

OFFICE OF PETITIONS

In re Application of	:	
KULIOPULOS et al.	:	
Application No. 10/251,703	:	ON APPLICATION FOR
Filed: 09/20/2002	:	PATENT TERM ADJUSTMENT
Attorney Docket No. 18475-034 CIP	:	
(NEMC-215 C	:	

This is in response to the REQUEST FOR RECONSIDERATION OF PATENT TERM ADJUSTMENT UNDER 37 C.F.R. 1.705(b) filed December 22, 2009. Applicants submit that the correct patent term adjustment to be indicated on the patent is one thousand one hundred twenty-three (1,123) days, not two hundred thirty-six (236) days as calculated by the Office as of the mailing of the initial determination of patent term adjustment. Applicants seek this correction solely on the basis that the Office will take in excess of three years to issue this patent.

As the instant application for patent term adjustment requests reconsideration of the patent term adjustment as it relates to the Office's failure to issue the patent within three years of the filing date, the application for patent term adjustment under 37 CFR 1.705(b) is **DISMISSED as PREMATURE**.

Knowledge of the actual date the patent issues is required to calculate the amount, if any, of additional patent term patentees are entitled to for Office failure to issue the patent within three years. See 37 CFR 1.702(b). (This is true even where a request for continued examination (RCE) was filed). The computer will not undertake the § 1.702(b) calculation until the actual date of issuance of the patent has been determined.

Likewise, the computer will not calculate any further Office delay under 37 CFR 1.702(a)(4) or applicant delay under 37 CFR 1.704(c)(10) until the actual date of issuance of the patent has been determined. As such, the Office cannot make a determination on the correctness of the patent term adjustment until the patent has issued.

Requesting reconsideration of the patent term adjustment to be indicated on the patent under 37 CFR 1.705(b) based on the initial determination of patent term adjustment and a projected issuance date of the patent (or even the filing date of the request for continued examination) is premature. Accordingly, it is appropriate to dismiss such a request as premature.

Rather than file an application for patent term adjustment under 37 CFR 1.705(b) contesting the 37 CFR 1.702(b) calculation at the time of the mailing of the notice of allowance, applicants are advised that they may wait until the time of the issuance of the patent and file a request for reconsideration of the patent term adjustment pursuant to 37 CFR 1.705(d). As the USPTO does not calculate the amount of time earned pursuant to 37 CFR 1.702(b) until the time of the issuance of the patent, the Office will consider any request for reconsideration of the patent term adjustment due to an error in the calculation of 37 CFR 1.702(b) to be timely if the request for reconsideration is filed within two months of the issuance of the patent. However, as to all other bases for contesting the initial determination of patent term adjustment received with the notice of allowance, applicants must timely file an application for patent term adjustment prior to the payment of the issue fee.[1]

The Office will charge the $200.00 fee set forth in 37 CFR 1.18(e) for consideration of the application for patent term

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[1] For example, if applicants dispute both the calculation of patent term adjustment under 37 CFR 1.702(a)(1) for Office failure to mail a first Office action or notice of allowance not later than fourteen months after the date on which the application was filed, and under 37 CFR 1.702(b) for Office failure to issue a patent within three years of the actual filing date of the application, then applicants must still timely file an application for patent term adjustment prior to the payment of the issue fee to contest the calculation of Office delay in issuing a first Office action or notice of allowance. See 37 CFR 1.705(b) and 35 U.S.C. 154(b)(3)(B). A dispute as to the calculation of the § 1.702(a)(1) period raised on request for reconsideration of patent term adjustment under 37 CFR 1.705(d) will be dismissed as untimely filed.

adjustment under 37 CFR 1.705(b) to the Deposit Account as authorized.

Any request for reconsideration of the patent term adjustment indicated on the patent must be timely filed within two months after issuance pursuant to 37 CFR 1.705(d) and must include payment of the required fee under 37 CFR 1.18(e).

The Office of Data Management has been advised of this decision. This application is being referred to the Office of Data Management for issuance of the patent.

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

Christina T. Donnell

Christina Tartera Donnell
Senior Petitions Attorney
Office of Petitions

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

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

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,837,026	2005-01-04	10/251,707	2002-09-20	

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

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

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

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

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

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

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

◉ A sole patentee

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

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

○ The assignee of record of the entire interest

Sole Patentee			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature.			
Signature	/David Setton/	Date (YYYY-MM-DD)	2009-05-05
Name	David Setton		

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. 6837026
Issue Date: January 4,2005
Application No. 10251707
Filed: September 20,2002
Attorney Docket No. P-2238

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

This is a decision on the electronic petition, filed May 5,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

The maintenance fee is accepted, and the above-identified patent reinstated as of May 5,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

051605

ERIC K SATERMO
P. O. BOX 19099
IRVINE, CA 92623

In re Application of:
JAMES E. MILLERD ET AL.
Serial No.: 10/251,729
Filed: 21 September 2002
Title: METHODS AND APPARATUS FOR SPLITTING, IMAGING, AND MEASURING WAVEFRONTS IN INTERFEROMETRY

DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on the petition filed on July 17, 2004, to withdraw the holding of abandonment of the above-identified application.

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

A Notice of Allowance and Fee(s) Due (Notice of Allowance) was mailed December 2, 2003, setting a three-month statutory period for fee payment expiring on March 2, 2004. In response to applicant's electronic communication dated December 5, 2003, requesting consideration of an earlier filed Information Disclosure Statement, the examiner left a voice message on February 10, 2004 stating that a notice of allowability would be mailed. The Office mailed a supplemental notice of allowability on March 3, 2004. In the apparent absence of receipt of fee payment, a Notice of Abandonment was mailed on May 18, 2004.

Petitioner asserts that a reply was timely filed. In support of the assertion that a reply was timely filed, petitioner submitted the following papers as evidence of timely submission: 1) copies of electronic correspondence dated December 5, 2003; February 10, 2004; March 18, 2004; and March 19, 2004; 2) a copy of the Notice of Allowance and Fee(s) Due and a Notice of Allowability dated December 2, 2003; 3) a copy of the Supplemental Notice of Allowability dated March 3, 2004; and 4) copies of the documentation relating to receipt by the Office of the issue fee, dated 24 May 2004.

The Office file record does not include the electronic correspondences.

Applicant's petition rests on his assumption that a Supplemental Notice of Allowance and Issue Fee(s) Due would be sent along with the Supplemental Notice of Allowability. As stated by applicant in his email dated February 10, 2004, "I assume that a new Notice of Allowance will be issued."

Contrary to petitioner's belief, it is Office policy to mail only one Notice of Allowance and Issue Fee(s) Due. Supplemental notices of allowability, while used to inform applicant of post-allowance matters, are not accompanied by a reset of the time period to pay the issue fee. The supplemental notice of allowability mailed March 3, 2003 contained the following language: "[I]f not included herewith (*or previously mailed*), a Notice of Allowance or other appropriate communication will be mailed in due course" (italics added).

The Notice of Allowance and Issue Fee(s) Due mailed December 2, 2003, contained the following language, capitalized and in bold type: "[t]he issue fee and publication fee (if required) must be paid within three months from the mailing date of this notice or this application shall be regarded as abandoned". Petitioner was thereby put on notice that, absent further Office communication to the contrary, petitioner had a responsibility to submit the issue fee within the 3 month time period or the application would be abandoned.

Applicant's electronic correspondence does not shift the burden for reply to the Office. "Without a written authorization by applicant in place, the USPTO will not respond via Internet e-mail to any Internet correspondence which contains information subject to the confidentiality requirement as set forth in 35 U.S.C. 122." MPEP § 502.03. No such written authorization was of record in the application file. Therefore, the Office had no responsibility to correct the misunderstanding of petitioner, who is a registered patent agent.

Furthermore, applicant made no submissions to the office which were properly responsive to the Notice of Allowance, since electronic correspondence is not a proper reply to an Office action. "A reply to an Office action may NOT be communicated by applicant to the USPTO via Internet e-mail. If such a reply is submitted by applicant via Internet e-mail, a paper copy will be placed in the appropriate patent application file with an indication that the reply is NOT ENTERED". MPEP § 502.03.

Petitioner has demonstrated in his submission (Exhibit E) that petitioner knew of the due date and failed to pay the issue fee due to the erroneous belief that a new Notice of Allowance and Issue Fee(s) Due would be mailed.

The application thus became abandoned as a matter of law on March 2, 2004, prior to petitioner's payment of the issue fee on May 24, 2004. The petition is therefore dismissed.

Petitioner may wish to consider filing a petition to revive under 37 CFR 1.137. Inquiries regarding filing a petition to revive should be directed to the Office of Petitions.

Any request for reconsideration of this decision must be submitted within 2 (two) months of the date of this decision in order to be considered timely.

Any inquiry regarding this decision should be directed to Lissi M. Marquis, Special Program Examiner, at (571) 272-1596.

Janice A. Falcone, Director
Technology Center 2800 - Semiconductors,
Electrical & Optical Systems & Components

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MACPHERSON KWOK CHEN & HEID LLP
1762 TECHNOLOGY DRIVE, SUITE 226
SAN JOSE, CA 95110

In re Application of
Millerd E. James, et al.
Application No. 10/251,729
Filed: September 21, 2002
Attorney Docket No. M-16404-2D US

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b) to revive the above-identified application, filed March 29, 2006.

The petition is **GRANTED**.

The application became abandoned for failure to pay the issue fee on or before March 24, 2004. A Notice of Abandonment was mailed on May 18, 2004. On May 28, 2004, using a Certificate of Mailing dated May 24, 2004, the requisite issue fee was paid. Thereafter, on June 20, 2004 a petition under 37 CFR 1.181 was filed requesting that the abandonment be withdrawn. The petition was dismissed in a decision mailed May 16, 2005. On March 29, 2006, the present petition was filed.

The present petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the petition fee of $750 and the statement of unintentional delay and (2) the reply in the form of the requisite issue/publication fee on May 28, 2004.

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

PTO/SB/66 (03-09)
Approved for use through 03/31/2012. OMB 0651-0016
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays valid OMB control number.

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

Patent Number	Issue Date (YYYY-MM-DD)	Application Number	Filing Date (YYYY-MM-DD)	Docket Number (if applicable)
6,794,348	2004-09-21	10/251,738	2002-09-20	2818.4610000/BJD/KMH

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

SMALL ENTITY

☐ Patentee claims, or has previously claimed, small entity status. See 37 CFR 1.27.

LOSS OF ENTITLEMENT TO SMALL ENTITY STATUS

☐ Patentee is no longer entitled to small entity status. See 37 CFR 1.27(g)

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

SURCHARGE

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

MAINTENANCE FEE (37 CFR 1.20(e)-(g))

The appropriate maintenance fee must be submitted with this petition.

STATEMENT

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

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

THIS PORTION MUST BE COMPLETED BY THE SIGNATORY OR SIGNATORIES

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

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

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

○ A sole patentee

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

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

○ The assignee of record of the entire interest

Patent Practitioner			
A signature of the applicant or representative is required in accordance with 37 CFR 1.33 and 10.18. Please see 37 CFR 1.4(d) for the form of the signature			
Signature	/Brian J. Del Buono Reg. No. 42,473/	Date (YYYY-MM-DD)	2009-10-07
Name	Brian J. Del Buono	Registration Number	42473

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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P.O. Box 1450
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In re Patent No. 6794348
Issue Date: September 21,2004
Application No. 10251738
Filed: September 20,2002
Attorney Docket No. C6638(V)

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

This is a decision on the electronic petition, filed October 7,2009 ,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 7,2009 .
This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in the Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy.

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

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MAY 12 2004

VP
PAPER NO. ___

In re Application of
Harold Cutforth
Serial Number: 10/251,764
Filed: September 20, 2002
For: APPARATUS AND METHOD FOR CLEANING A VACUUM SYSTEM

PETITION UNDER
M.P.E.P.708.02 IV

This is in response to the petition filed September 20, 2002 requesting that the above-identified application be granted Special Status under Section 708.02 IV of the MPEP and 37 CFR 1.102(c) (**no fee required**).

The request for Special Status considered under Section 708.02 IV of the MPEP is granted because criteria under 37 CFR 1.102(c) has been met.

Accordingly the petition is **GRANTED.**

Marian C Knode

Marian C. Knode, Special Programs Examiner
Technology Center 1700
Chemical and Materials Engineering

GENE SCOTT
PATENT LAW & VENTURE GROUP
3140 RED HILL AVENUE
SUITE 150
COSTA MESA CA 92626-3440

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OFFICE OF PETITIONS

MODIANO & ASSOCIATI
Via Meravigli, 16
MILANO 20123 IT ITALY

In re Application of :
Fortunato Vianello :
Application No. 10/251,892 : ON PETITION
Filed: September 23, 2002 :
Attorney Docket No. 36429/GM/cb

This is a decision on the petition under 37 CFR 1.181(a) to withdraw the holding of abandonment, filed October 17, 2005 .

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

The above-identified application became abandoned for failure to reply to Notice of Non-Complaint Amendment mailed March 18, 2005, which set a shortened period for reply of one (1) from its mailing date. No response was received within the allowable period, and the application became abandoned on April 19, 2005. A Notice of Abandonment was mailed on October 5, 2005.

Petitioner argues that a reply the Notice of Non-Compliant Amendment was transmitted via facsimile on April 7, 2005, and received by the Office. As evidence of the same, petitioner provides a copy of the certificate of transmission under 37 CFR 1.8 noting that a response was sent on April 7, 2005, and a copy of the transmission sheet indicating that 7 pages were transmitted to a USPTO facsimile.

Based on the aforementioned, it appears that the application was improperly held abandoned as a proper response was transmitted prior to expiration of the statutory period for reply. The holding of abandonment is withdrawn, accordingly.

The application file is being forwarded Technology Center 1700, GAU1734, for further processing.

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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ADELI LAW GROUP
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES, CA 90067

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MAY 15 2007

OFFICE OF PETITIONS

In re Application of Gallagher et al. :
Application No. 10/251,901 :
Filing Date: September 20, 2002 :
Attorney Docket No. BUZA-012/01US :

Decision Dismissing Petitions
Under 37 CFR 1.78(a)(3) and (a)(6)

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed March 23, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed application data sheet. This is also a decision in response to the petition under 37 CFR 1.182 filed May 1, 2007, requesting expedited consideration of the petition under 37 CFR 1.78.

The petition under 37 CFR 1.78 is **dismissed**.

The petition under 37 CFR 1.182 is **granted**.

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) is only applicable to those applications filed on or after November 29, 2000 and after the expiration of the period specified in 37 CFR §§ 1.78(a)(2)(ii) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(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 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

The petition does not comply with item (1). The reference, the application data sheet, is improper because it has been filed after payment of the issue fee.

37 CFR 1.312 requires any amendment filed after allowance to be filed with, or prior to, payment of the issue fee. The Office interprets the word "amendment" broadly.

MPEP 714.16 states,

> The amendment of an application by applicant after allowance falls within the guidelines of 37 CFR 1.312. Further, the amendment of an application broadly encompasses any change in the file record of the application. Accordingly, the following are examples of "amendments" by applicant after allowance which must comply with 37 CFR 1.312:
>
> (A) an amendment to the specification,
> (B) a change in the drawings,
> (C) an amendment to the claims,
> (D) a change in the inventorship,
> (E) the submission of prior art,
> (F) a petition to correct the spelling of an inventor 's name,
> (G) a petition to change the order of the names of the inventors, etc.

The application data sheet clearly involves a change in the file record. Therefore, the application data sheet is untimely.

Petitioner has two options:

Option 1:

File a request for reconsideration, a petition to withdraw from issue, and a Request for Continued Examination. If this option is taken, the papers should be filed ***very promptly***. A discussion of petitions to withdraw from issue can be found in MPEP 1308.

Option 2:

Petitioner has submitted a copy of a Certificate of Correction petitioner plans to file after the application issues as a patent. The Certificate of Correction adds the priority claims to the beginning of the specification. Petitioner may wish to allow the patent to issue and then, after the patent has issued, file a request for reconsideration under 37 CFR 1.78 and the request for a Certificate of Correction. The Office will treat the request for reconsideration as timely if filed within 2 months of the issuance of the patent.

Although the Office recommends Option 2 above, petitioner may pursue either option.

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

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

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

By fax: (571) 273-8300
ATTN: Office of Petitions

The Office of Publications will be informed of the instant decision and will continue to take steps to have the application issued as a patent.

Any questions concerning this matter may be directed to Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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LOS ANGELES, CA 90067

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OFFICE OF PETITIONS

In re Application of	:
Michael D. Gallagher et al	:
Application No. 10/251,901	: DECISION GRANTING PETITION
Filed: September 20, 2002	: UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. BUZA-012/01US	:

This is a decision on the petition, filed May 18, 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 March 12, 2007 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

This application is being retained in the Office of Petitions for appropriate action on the "Request to Reconsider Petition Under 37 CFR §1.78(a)(3) to Correct Claim of Benefit," filed concurrently with the present petition to withdraw from issue, request for continued examination under 37 CFR 1.114, and supplemental amendment.

Frances Hicks
Petitions Examiner
Office of Petitions

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[1] *The request to apply the issue fee to the new Notice may be satisfied by completing and returning the new 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.*

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OFFICE OF PETITIONS

In re Application of Gallagher et al. :
Application No. 10/251,901 :
Filing Date: September 20, 2002 :
Attorney Docket No. BUZA-012/01US :

Decision Dismissing Petitions
Under 37 CFR 1.78(a)(3) and (a)(6)

This is a decision on the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed May 18, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed nonprovisional and provisional applications set forth in the concurrently filed application data sheet.

The petition under 37 CFR 1.78 is **dismissed**.

The amendment filed with the request for reconsideration cannot be entered for the reasons discussed below.

This application is a continuation-in-part of 7 different "10 series" (10/xxx,xxx) applications. Each "10 series" application is a continuation of a single "09 series" application. Each "09 series" application claim priority to four provisional applications. Unfortunately, the amendment indicates each "10 series" application is claiming priority directly based on the four provisional applications.

Example: The amendment indicates 10/116,311, filed April 2, 2002, claims priority based on provisional application 60/271,766, filed February 26, 2001. However, 10/116,311 was filed more than a year after the filing date for the provisional application.

Before the petition under 37 CFR § 1.78(a)(3) can be granted, a renewed petition and either an Application Data Sheet or a substitute amendment (complying with the provisions of 37 CFR 1.121 and 37 CFR 1.76(b)(5)) to correct the above matters are required.

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

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By fax: (571) 273-8300
ATTN: Office of Petitions

Any questions concerning this matter may be directed to Steven Brantley at (571) 272-3203.

Charles Steven Brantley
Senior Petitions Attorney
Office of Petitions

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In re Application of Gallagher et al.	:	
Application No. 10/251,901	:	Decision Granting Petitions
Filing Date: September 20, 2002	:	Under 37 CFR 1.78(a)(3) and (a)(6)
Attorney Docket No. BUZA-012/01US	:	

This is a decision on the petitions under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6), filed July 18, 2007, to accept an unintentionally delayed claim under 35 U.S.C. §§ 120 and 119(e) for the benefit of priority to the prior-filed applications set forth in the concurrently filed amendment.

The petitions are **GRANTED.**

A petition for acceptance of a claim for late priority under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) 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) and 1.78(a)(5)(ii). In addition, the petition under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) must be accompanied by:

(1) the reference required by 35 U.S.C. §§ 120 and 119(e) and 37 CFR §§ 1.78(a)(2)(i) and 1.78(a)(5)(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 1.78(a)(5)(ii) and the date the claim was filed was unintentional. The Director may require additional where there is a question whether the delay was unintentional.

Additionally, the instant nonprovisional application must be pending at the time of filing of the reference to the prior-filed provisional application(s) as required by 37 CFR 1.78(a)(5)(ii). Further, the nonprovisional application(s) claiming the benefit of the prior-filed provisional application(s) must have been filed within twelve months of the filing date of the prior-filed provisional application(s).

All of the above requirements having been satisfied, the late claim for benefit of priority to the prior-filed applications under 35 U.S.C. §§ 120 and 119(e) is accepted as being unintentionally delayed.

The granting of the petition to accept the delayed benefit claim to the prior-filed applications under 37 CFR §§ 1.78(a)(3) and 1.78(a)(6) should not be construed as meaning that this application is entitled to the benefit of the filing date of the prior-filed applications. In order for this application to be entitled to the benefit of the prior-filed applications, all other requirements under 35 U.S.C. §§ 120 and 1.78(a)(1) and (a)(2) and 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 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 application is entitled to the benefit of the earlier filing date.

A corrected Filing Receipt, which includes the priority claim to the prior-filed applications, accompanies this decision on petition.

Technology Center Art Unit 2617 for consideration by the examiner of the claim benefit of priority under 35 U.S.C. § 120 to the prior-filed applications and the claim under 35 U.S.C. § 119(e) for the benefit of priority to the prior-filed provisional applications. The examiner will also take steps to ensure the priority claims are correctly entered as part of the 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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/251;901	09/20/2002	2617	735	BUZA-012/01US	18	3

CONFIRMATION NO. 4012

CORRECTED FILING RECEIPT

OC000000025140555

48947
ADELI LAW GROUP, A PROFESSIONAL LAW CORPORATION
1875 CENTURY PARK EAST, SUITE 1360
LOS ANGELES, CA 90067

Date Mailed: 08/01/2007

Receipt is acknowledged of this nonprovisional patent application. The application will be taken up for examination in due course. Applicant will be notified as to the results of the examination. Any correspondence concerning the application must include the following identification information: the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. **If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections. 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)

Michael D. Gallagher, San Jose, CA;
Jahangir Mohammed, Mountain View, CA;

Power of Attorney: The patent practitioners associated with Customer Number **23419**.

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/324,157 09/20/2001
and is a CIP of 10/116,311 04/02/2002
which is a CON of 09/912;047 07/24/2001 ABN
which claims benefit of 60/271,766 02/26/2001
and claims benefit of 60/271,767 02/26/2001
and claims benefit of 60/271,768 02/26/2001
and claims benefit of 60/271,769 02/26/2001
This application 10/251,901
is a CIP of 10/116,023 04/02/2002
which is a CON of 09/912,789 07/24/2001 ABN
which claims benefit of 60/271,766 02/26/2001
and claims benefit of 60/271,767 02/26/2001
and claims benefit of 60/271,768 02/26/2001
and claims benefit of 60/271,769 02/26/2001
This application 10/251,901
is a CIP of 10/115,833 04/02/2002 PAT 6,922,559
which is a CON of 09/912,807 07/24/2001 ABN
which claims benefit of 60/271,766 02/26/2001
and claims benefit of 60/271,767 02/26/2001
and claims benefit of 60/271,768 02/26/2001

and claims benefit of 60/271,769 02/26/2001
This application 10/251,901
is a CIP of 10/115,767 04/02/2002
which is a CON of 09/912,881 07/24/2001 ABN
which claims benefit of 60/271,766 02/26/2001
and claims benefit of 60/271,767 02/26/2001
and claims benefit of 60/271,768 02/26/2001
and claims benefit of 60/271,769 02/26/2001
This application 10/251,901
is a CIP of 10/115,835 04/02/2002
which is a CON of 09/912,882 07/24/2001 ABN
which claims benefit of 60/271,766 02/26/2001
and claims benefit of 60/271,767 02/26/2001
and claims benefit of 60/271,768 02/26/2001
and claims benefit of 60/271,769 02/26/2001
This application 10/251,901
is a CIP of 10/116,186 04/02/2002
which is a CON of 09/912,883 07/24/2001 ABN
which claims benefit of 60/271,766 02/26/2001
and claims benefit of 60/271,767 02/26/2001
and claims benefit of 60/271,768 02/26/2001
and claims benefit of 60/271,769 02/26/2001
This application 10/251,901
is a CIP of 10/115,774 04/02/2002 PAT 6,647,426
which is a CON of 09/912,884 07/24/2001 ABN
which claims benefit of 60/271,766 02/26/2001
and claims benefit of 60/271,767 02/26/2001
and claims benefit of 60/271,768 02/26/2001
and claims benefit of 60/271,769 02/26/2001

Foreign Applications

If Required, Foreign Filing License Granted: 10/24/2002

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is US10/251,901

Projected Publication Date: Not Applicable

Non-Publication Request: No

Early Publication Request: No

Title

APPARATUS FOR SUPPORTING THE HANDOVER OF A TELECOMMUNICATION SESSION BETWEEN A LICENSED WIRELESS SYSTEM AND AN UNLICENSED WIRELESS SYSTEM

Preliminary Class

455

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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DEC 02 2003

Technology Center 2100

Paper No. 7

DARBY & DARBY P.C.
P. O. BOX 5257
NEW YORK NY 10150-5257

In re Application of GUY PAZI, ET AL.
Application No.: 10/251,912
Filed: September 20, 2002
For: **PROTECTING AGAINST SPOOFED DNS MESSAGES**

DECISION ON PETITION FOR ACCELERATED EXAMINATION UNDER M.P.E.P. §708.02(VIII)

This is a decision on the petition, filed September 19, 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.

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 19, 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

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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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David A. Jackson
KLAUBER & JACKSON
4th Floor
411 Hackensack Street
Hackensack NJ 07601

COPY MAILED

MAR 0 2 2007

OFFICE OF PETITIONS

In re Patent	:	
Barrera et al.	:	
Application Number: 10/251,914	:	DECISION ON PETITION
Patent: 6,818,780	:	
Attorney Docket No.: 2683-1-001	:	
Filing Date: September 20, 2002	:	
Issue Date: November 16, 2004	:	

This is a decision on the petition filed April 27, 2005 under 37 CFR 3.81(b) correct the name of the assignee on the front page of the above-identified patent by way of a Certificate of Correction.

The petition is **Granted**.

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

It is noted that two of the assignees which were included on the continuing sheets of the recordation sheet submitted on December 26, 2002 were not included in the Notice of Recordation and Assignment document. Petitioner may wish to file a request for corrected assignment pursuant to MPEP 323.01. However, only information submitted for recordation prior to the issue date will be included in any certificate of correction.

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

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

Charlema R. Grant

Charlema R. Grant
Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

4-29-08

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

Patent No. : 7,250,489
Ser. No. : 10/251,918
Inventor(s) : Roux, et. al.
Issued : July 31, 2007
Title : PURIFIED LINEAR POLYPEPTIDE EPITOPE FROM WALNUTS AND ASSOCIATED METHDS
Docket No. : 27583 UT

Re: Request for Certificate of Correction

Consideration has been given your request for the issuance of a certificate of correction for the above-identified patent under the provisions of Rule(s) 1.322 or 1.323.

Assignees' names and addresses (assignment data) printed in a patent, are based *solely* on information supplied in the appropriate space for identifying the assignment data, i.e., item 3 of the Issue Fee Transmittal Form PTOL-85B. Granting of a request under 37 CFR 3.81(b) is required to correct applicant's error providing ***incorrect or erroneous*** assignment data, *before* issuance of a Certificate of Correction, under 37 CFR 1.323 *(see Manual of Patent Examining Procedures (M.P.E.P) Chp.1400, sect. 1481).* This procedure is required *at any time after the issue fee is paid*, including after issuance of the patent.

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

A request to correct the Assignee under 37 CFR 3.81(b) should include:

A. **the processing fee set forth in 37 CFR 1.117(h) (currently $130);**
B. a statement that the failure to include the correct assignee name on the PTOL-85B was inadvertent; and
C. a copy of the Notice of Recordation of Assignment Document, reflecting the reel and frame number where the assignment(s) is recorded and/or reflecting proof of *the date* the assignment was submitted for recordation.

In the Request, Applicant(s) may request that the file be forwarded to Certificates of Correction Branch, for issuance of a Certificate of Correction, if the Request is granted.

Any request under 37 CFR 3.81(b) should be directed to the following address or facsimile number:

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

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

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

If a fee (currently $100) was previously submitted for consideration of a Request for Certificate of Correction, under CFR 1.323, to correct assignment data, , no additional fee is required.

Eva James
For Mary Diggs
Decisions & Certificates
of Correction Branch
(703) **308-9390 ext. 124** or 125

Enrique G. Estevez/Allen, Dyer, et. al.
255 South Orange Avenue, Ste., 1401
Orlando, FL 32801

E.J.

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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BUCHANAN INGERSOLL & ROONEY, PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

Mail Date: 04/20/2010

Applicant	: Yan Arrouye	: DECISION ON REQUEST FOR
Patent Number	: 7669145	: RECALCULATION of PATENT
Issue Date	: 02/23/2010	: TERM ADJUSTMENT IN VIEW
Appliction No	: 10/251,942	: OF WYETH AND NOTICE OF INTENT TO
Filed	: 09/20/2002	: ISSUE CERTIFICATE OF CORRECTION
		:

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

The patent term adjustment has been determined to be **928** days. The USPTO will *sua sponte* issue a certificate of correction reflecting the amount of PTA days determined by the recalculation.

Prior to the issuance of the certificate of correction, the USPTO will afford patentee an opportunity to be heard and request reconsideration. Accordingly, patentee has **one month or thirty (30) days**, whichever is longer, to file a request for reconsideration of this patent term adjustment calculation. See 35 U.S.C. 154(b)(3)(B)(ii) and 37 CFR 1.322(a)(4). No extensions of time will be granted under 37 CFR 1.136.

Patentee should use document code PET.OP if electronically filing a request for reconsideration of this patent term adjustment calculation. The patentee must also include the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e). If patentee does not file a timely request for reconsideration of this patent term adjustment calculation including the information required by 37 CFR 1.705(b)(2) and the fee required by 37 CFR 1.18(e), the USPTO will issue a certificate of correction reflecting the PTA determination noted above.

Patentee should be aware that in order to preserve the right to review in the United States District Court for the District of Columbia of the USPTO patent term adjustment determination, patentee must ensure that he or she also take the steps required under 35 U.S.C. 154(b)(4)(A) in a timely manner. Nothing in the request for recalculation should be construed as providing an alternative time frame for commencing a civil action under 35 U.S.C. 154(b)(4)(A).

Any questions concerning this decision should be directed to the Office of Patent Legal Administration at 571-272-7702.

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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BUCHANAN INGERSOLL & ROONEY, PC
P.O. BOX 1404
ALEXANDRIA, VA 22313-1404

Mail Date: 05/17/2010

Applicant : Yan Arrouye
Patent Number : 7669145
Issue Date : 02/23/2010
Application No : 10/251,942
Filed : 09/20/2002

: NOTICE CONCERNING IMPROPER
: CALCULATION OF PATENT TERM
: ADJUSTMENT BASED UPON USPTO
: IMPROPERLY MEASURING REDUCTION
: PERIOD UNDER 37 CFR 1.704(c)(10).

The United States Patent and Trademark Office (USPTO) discovered that in processing the recent recalculation decisions mailed in response to patentee's filed Request for Recalculation of Patent Term Adjustment in view of Wyeth, the USPTO improperly measured the reduction period for reductions under 37 CFR 1.704(c)(10). Pursuant to 37 CFR 1.704(c)(10), patentee's reduction begins on the date of filing the amendment under 37 CFR 1.312 ("1.312 amendment") or other related paper and ends on the date that the Office mails a response to the filing of the 1.312 amendment or other paper. It has been discovered that during the recalculation, the calculation failed to the limit the reduction to the mail date of the response to the 1.312 amendment or other paper. Accordingly, patentee's reductions were greater than warranted.

This notice **VACATES** the previous GRANTED request for recalculation and provides patentee with a revised GRANTED recalculation.

The patent term adjustment has been determined to be **994** 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).

#4
DW

UNITED STATES PATENT AND TRADEMARK OFFICE

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

NOV 13 2002

MAILED

NOV 13 2002

Office of the Director
Group 3600

Edmund S. Lee III
104 Fieldstone Drive
Terrace Park, OH 45174

In re application of
Donald C. Anderson et al.
Application No. 10/251,945
Filed: September 20, 2001
For: REGENERATIVE SELF PROPELLED VEHICLES

DECISION ON PETITION TO MAKE SPECIAL (APPLICANT'S AGE)

This is a decision on the petition submitted on September 20, 2002, under 37 CFR 1.102 (c) to make the above-identified application special under the accelerated examination procedure set forth in MPEP 708.02, Section IV: Applicant's Age

The petition is **GRANTED**.

An application may be accorded special status upon the filing of a petition providing evidence showing that the applicant is at least 65 years old. Such a showing may be provided by evidence such as a birth certificate or a statement from the applicant.

The evidence submitted with the petition is a signed statement from the applicant's stating that they are each at least 65 years of age.

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

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

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

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

snm/snm: 11/13/02

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MAIL

Paper No. 7

MORRISON & FOERSTER LLP
425 MARKET STREET
SAN FRANCISCO, CA 94105-2482

JUL 2 0 2004

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re Application of
Barry Lee, et al.
Application No. 10/251,946
Filed: September 19, 2002
For: VERTICAL INSTRUCTION AND DATA PROCESSING IN A NETWORK ARCHITECTURE

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 June 30, 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**.

Attorneys/agents listed in the Request to withdraw are withdrawn.

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

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

cc: Mark Wilson
Wilson & Ham
1811 Santa Rita Road, Suite 130
Pleasanton, CA 94566

UNITED STATES PATENT AND TRADEMARK OFFICE

APR - 7 2005

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United States Patent and Trademark Office
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APR - 7 2005

OFFICE OF THE DIRECTOR
TC 3600

Mr. Bulent I. Kastarlak
11 Via Aurelia
Palm Beach Gardens, FL 33418

In re Application of
Bulent I. Kastarlak
Application No. 10/251,974
Filed: September 23, 2002
For: ERGONOMIC BICYCLE SEAT WITH PROSTATE GUARD

DECISION ON PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT

This is a decision on applicant's petition under 37 CFR 1.137 filed in the United States Patent and Trademark Office on February 2, 2005. Given the nature of the situation surrounding the petition and since the fee required for a petition under 37 CFR 1.137 was not included, the petition is being handled as petition under 1.181 to Withdraw the Holding of Abandonment.

The petition is **DISMISSED**.

A review of the file record reveals that on June 3, 2004 the office sent out a Notice of Non-responsiveness (herein after referred to as Office action) in response to applicant's submission of October 6, 2003. A one-month shortened statutory period of time, extendable under 37 CFR 1.136(a) to six months, was given to applicant to reply. Applicant's response to the June 3, 2004 Office action was received by the office on August 10, 2004 (Date entered into image file wrapper). Upon receipt of applicant's response a courtesy telephone call was placed to applicant to request the payment of the necessary fees for the extension of time as applicant's response was late. Applicant chose not to pay the extension of time fees and requested written notification to do so. There is no requirement for the Office to provide any notification of insufficient fee payment. It is common, however, for the Technology Center to contact the applicant by phone whenever possible since the response is not complete until the correct fees are paid, and the fee amount for extension is determined on the day the response is complete and continue to increase with each needed extra month of extension. No written notification of fee deficiency was apparently ever sent by the Office. Thus, without the necessary fee payments the case properly went abandoned on January 19, 2005.

Applicant contends in the petition that he (1) did file a response to the June 3, 2004 Office action by facsimile on June 22 and again on July 6, 2004 and (2) mailed in the same response (i.e., June 22/July 6, 2004) to the office on July 14, 2004. Applicant admits that he misdated the July 14, 2004 response as June 14, 2004 and revised the response date to July 14, 2004 and remailed the response on July 15, 2004.

Regarding issue (1) there is no indication of these submissions ever having been received by the office. Applicant should provide any evidence of these submissions in accordance with the attached Pro Se Correspondence Instruction Memo. Evidence (e.g., Proper Certificate of Transmission under 37 CRF 1.8. See MPEP § 512.) submitted will be considered in a renewed petition under 37 CFR 1.181 to Withdrawal the Holding of Abandonment. As to issue (2) applicant within the petition admits to filing the response on July 14, 2004 (This is the response having an August 10, 2004 Office receipt date). Even assuming arguendo that the Office had received the response on or around July 14, 2004, a proper submission with no extension of time needed to have been filed on or before July 6, 2004 (extended due to Federal Holiday). Thus, the July 14, 2004 response needed a one month extension of time. The July 14, 2004 response requested no extension of time and included no fee payment.

There is no Office error and the case is properly abandoned.

In summary, 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(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."

In the event that applicant does not have evidence to support the facsimile transmission of June 22 and July 6, 2004 applicant may wish to consider filing a petition to revive under 37 CFR 1.137(a) (unavoidable delay) or 37 CFR 1.137(b) (unintentional delay) as discussed below.

I. Unavoidable Delay

> 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), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the petition fee required by 37 CFR 1.17(l); and (3) an adequate showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

The showing requirement can be met by submission of statements of fact establishing that the delay in filing the reply was unavoidable. This includes a satisfactory showing

that the cause of the delay resulting in failure to reply in a timely fashion to the Office action was unavoidable. Diligence during the time period between abandonment and filing of the petition to revive must also be shown.

As an alternative to filing a petition for unavoidable abandonment, a petition for revival of an application abandoned unintentionally under 37 CFR 1.137(b) might be appropriate.

II. Unintentional Delay

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the petition fee required by 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply

from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

The petition fee required by law for filing a petition under unavoidable standard is $500. The fee for a petition under the unintentional standard is $1,500. If applicants have, or 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.

If not previously filed, the reply to the outstanding Office action must accompany the petition to revive. The required items should be promptly submitted under a cover letter entitled "Petition to Revive."

Further correspondence with respect to a petition to revive should be addressed as follows:

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

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

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

Telephone inquiries regarding Petitions to Revive should be directed to the Office of Petitions Staff at (571) 272-3282.

Steven N. Meyers
Special Programs Examiner
Technology Center 3600
(703) 308-3868

SNM/jwk: 4/7/05

Attachment: Pro Se Correspondence Instruction Memo

It appears that the applicant in this application is a *pro se* applicant (an inventor filing the application alone without the benefit of a Patent Attorney or Agent). Applicant may not be aware of the preferred methods of ensuring timely filing of responses to communications from the Office and may wish to consider using the Certificate of Mailing or the Certificate of Transmission procedures outlined below.

CERTIFICATE OF MAILING

To ensure that the Applicant's mailed response is considered timely filed, it is advisable to include a "certificate of mailing" on at least one page (preferably on the first page) of the response. This "certificate" should consist of the following statement:

> 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, P.O. Box 1450, Alexandria, VA 22313-1450" on (date).
>
> (Typed or printed name of the person signing this certificate)
>
> (signature)

CERTIFICATE OF TRANSMISSION

Alternatively, if applicant wishes to respond by facsimile rather than by mail, another method to ensure that the Applicant's response is considered timely filed, is to include a "certificate of transmission" on at least one page (preferably on the first page) of the response. This method should be used by foreign applicants without access to the U.S. Postal Service. This "certificate" should consist of the following statement:

> I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. (703)___-____on (date).
>
> (Typed or printed name of the person signing this certificate)
>
> (signature)

These "Certificates" may appear anywhere on the page, and may be handwritten or typed. They must be signed, and the date must be the actual date on which it is mailed or transmitted.
For the purpose of calculating extensions of time, the date shown on the certificate will be construed as the date on which the paper was received by the Office, regardless of the date the U.S. Postal Service actually delivers the response, or the fax is "date-stamped" in. In this way, postal or transmission delays do not affect the extension-of-time fee.
In the event that a communication is not received by the Office, applicant's submission of a copy of the previously mailed or transmitted correspondence showing the **originally** signed Certificate of Mailing or Transmission statement thereon, along with a statement from the person signing the statement which attests to the timely mailing or transmitting of the correspondence, would be sufficient evidence to entitle the applicant to the mailing or transmission date of the correspondence as listed on the Certificate of Mailing or Transmission, respectively.

NOTICE TO APPLICANT: In the case of lost or late responses the use of other "receipt producing" forms of mailing a correspondence to the Patent Office, such as Certified Mail, or a private shipper such as FedEx, **WILL NOT** result in the applicant getting the benefit of the mailing date on such receipts. These receipts are not considered to be acceptable evidence since there is nothing to "tie-in" the receipt with the particular document allegedly submitted.

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)
6644182	2003-11-11	10251998	2002-09-23	3229-5

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)	2008-03-25
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. 6644182
Issue Date: November 11,2003
Application No. 10251998
Filed: September 23,2002
Attorney Docket No. BHT-3229-5

:

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

:

This is a decision on the electronic petition, filed March 25,2008 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is GRANTED.

The maintenance fee is accepted, and the above-identified patent reinstated as of March 25,2008 . This decision also constitutes notice that the fee has been accepted. An electronic copy of the petition and this decision has been created as an entry in an Image File Wrapper. Nevertheless, petitioner should print and retain an independent copy

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

DAVID A. HALL
HELLER EHRMAN WHITE & McAULIFFE
4350 LA JOLLA VILLAGE DRIVE
7TH FLOOR
SAN DIEGO, CA 92122-1246

COPY MAILED

DEC 3 0 2003

OFFICE OF PETITIONS

In re Application of	:	
Adlai Smith	:	
Application No. 10/252,020	:	NOTICE
Filed: September 20, 2002	:	
Attorney Docket No. 38203-6154	:	

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.

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

UNITED STATES
PATENT AND
TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

10/31/02

David A Hall
Heller Ehrman White and McAuliffe LLP
4350 La Jolla Village Drive 7th Floor
San Diego CA 92122-1246

Dear Applicant:

The Box PGPub replacement drawings for application number 10/252,021 received on 10/31/02 by the U. S. Patent and Trademark Office will be included for patent publication.

Telephone inquiries should be directed to Customer Service, Office of Initial Patent Examination, at 703-308-1202.

UNITED STATES
PATENT AND
TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

Signature of Reviewer, Office of Initial Patent Examination

OIPE JC24
OCT 3 1 2002
PATENT & TRADEMARK OFFICE

2800
2878

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Smith, A.

Serial No.: 10/252,021

Filed: September 20, 2002

For: *METHOD AND APPARATUS FOR SELF-REFERENCED DYNAMIC STEP AND SCAN INTRA-FIELD SCANNING DISTORTION*

Art Unit: Unassigned

Examiner: Unassigned

CERTIFICATE OF MAILING BY "EXPRESS MAIL"
"Express Mail" Mailing Label Number
EV 175671529 US
Date of Deposit 10/31/02

I hereby certify that this paper is being deposited with the United States Postal "Express Mail Post Office to Addressee" Service under 37 C.F.R. §1.10 on the date indicated above and addressed to:

ATTN: BOX PGPUB DRAWINGS
Commissioner for Patents
US Patent and Trademark Office
PO Box 2327
Arlington, VA 22202

10/31/02 Michael Lough
Date

TRANSMITTAL OF FORMAL DRAWINGS

ATTN: BOX PGPUB DRAWINGS
US Patent and Trademark Office
PO Box 2327
Arlington, VA 22202

Sir:

Transmitted herewith are: a Petition pursuant to 37 C.F.R. §1.182 for Entry of Replacement Drawings; a set of replacement drawings (17 sheets containing 34 figures); and the requisite fee of $130 pursuant to 37 C.F.R. §1.17(h) for filing in connection with the above-identified application. Should said fee be either missing or incorrect, the Commissioner is authorized to charge deposit account No. 50-1213, for the appropriate fee as stated below:

The Commissioner is hereby authorized to charge any fee, including any submitted herewith if the attached check(s) is in the wrong amount or otherwise improper or missing, that may be due in connection with this and the attached papers, or with this application during its entire pendency to or to credit any overpayment to Deposit Account No. 50-1213.

Respectfully submitted,
HELLER, EHRMAN, WHITE & McAULIFFE LLP

By: David A. Hall
Registration No. 32,233

Attorney Docket No. 38203-6155

Address all correspondence to:
David A. Hall
HELLER, EHRMAN, WHITE & McAULIFFE LLP
4350 La Jolla Village Drive, 7th floor
San Diego, CA 92122-1246
Telephone: (858) 450-8400 Facsimile: (858)587-5360
Email: dhall@hewm.com

UNITED STATES PATENT AND TRADEMARK OFFICE

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ALEXANDRIA, VA 22313-1450
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OFFICE OF PETITIONS

DAVID A. HALL
HELLER EHRMAN WHITE & MCAULIFFE LLP
4350 LA JOLLA VILLAGE DRIVE, 7TH FLOOR
SAN DIEGO, CA 92122-1246

In re Application of
Adlai Smith
Application No. 10/252,021
Filed: September 20, 2002
Attorney Docket No. 38203-6155

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.

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

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

Effective December 1, 2003, the Office of Petitions can no longer receive hand-carried correspondence, or facsimile transmissions of correspondence. The centralized location for hand-carried correspondence is the Customer Window located at:

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

The centralized facsimile number is **(703) 872-9306.**

This file is being forwarded to Technology Center AU 2878.

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 : March 27, 2007

TO SPE OF : ART UNIT 2193

SUBJECT : Request for Certificate of Correction on Patent No.: 7,139,789

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - ST (South Tower) 9A22
Palm location **7590** - Tel. No. (703) 305-8309

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

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

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

Note your decision on the appropriated box.

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

Comments:

MENG-AL T. AN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100

SPE: Meng-Ai An Art Unit 2193

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: 7,139,789 B2

DATED: November 21, 2006

INVENTOR: Richard J. EVANS

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

Title Page, Item [54], please replace "ADDER INCREMENT CIRCUIT" with --ADDER INCREMENTER CIRCUIT--.

MAILING ADDRESS OF SENDER (Please do not use customer number below):

1100 New York Avenue, NW
Washington DC 20005-3934

Atty. Dkt. No. 1875.2010001

This collection of information is required by 37 CFR 1.322, 1.323 and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you are required to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

MAR - 6 2007

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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IMPERIUM PATENTENT WORKS
P.O. BOX 587
SUNOL, CA 94586

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OCT 0 2 2006
OFFICE OF PETITIONS

In re Application of

Smith, et al. :

Application No. 10/252,061

: DECISION ON PETITION

Filed: September 20, 2002

:

Attorney Docket No. OSI-002

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

The petition is **GRANTED**.

The above-cited application became abandoned for failure to reply in a timely manner to the non-final Office action mailed October 28, 2005, which set a shortened statutory period for reply of three (3) months from its mailing date. No extension of time pursuant to 37 CFR 1.136(a) was obtained within the allowable period. Accordingly, the application became abandoned on January 29, 2006.

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

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

the appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

The amendment filed May 9, 2006, is noted.

The application is being forwarded to Technology Center 2100, GAU 2143 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

cc:

Tarek N. Fahmi
Sonnenschien Nath & Rosenthal LLP
PO Box 061080
Wacker Drive Station
Sears Tower
Chicago, IL 60606-1080

UNITED STATES PATENT AND TRADEMARK OFFICE

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

MARK A. WATSON
LYON & HARR
300 ESPLANADE DRIVE
SUITE 800
OXNARD, CA 93030

COPY MAILED
JUL 18 2008

In re Application of Zaika et al Application No. 10/252,068 Filed: September 19, 2002 Attorney Docket No. MCS-035-02 (300887.01)	: : : : :	ON PETITION

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed July 9, 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, November 28, 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 February 29, 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, and (3) a proper statement of unintentional delay.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU2173 for appropriate action by the Examiner in the normal course of business on the reply received July 9, 2008.

Liana Walsh
Petition Examiner
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov
DIW Jun-07

MAYBACK & HOFFMAN, P.A.
5722 S. FLAMINGO ROAD #232
FORT LAUDERDALE FL 33330

COPY MAILED

JUN 26 2007

OFFICE OF PETITIONS

In re Application of	:	
Kortenbach et al.	:	
Application No. 10/252,078	:	ON PETITION
Filed: 09/20/2002	:	
Atty Dckt No. SYN-066C	:	

This is a decision on the petition filed on 18 April, 2007, under 37 CFR 1.137(a),[1] and in the alternative, under 37 CFR 1.137(b), revive the above-identified application.

The petition under 37 CFR 1.137(a) is **dismissed**.

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

Any request for reconsideration of this decision must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 CFR 1.136(a) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition under 37 CFR 1.137(a)" or as discussed below "Renewed Petition under 37 CFR 1.137(b)."

The application became abandoned on 14 December, 2006, for failure to file an amended appeal brief in response to the

---

[1] A grantable petition 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 a nonprovisional utility or plant application filed on or after June 8, 1995, and abandoned for failure to prosecute, the required reply may also be met by the filing of a request for continued examination in compliance with § 1.114. In an application or patent, abandoned or lapsed for failure to pay the issue fee or any portion thereof, the required reply must 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(l);

(3) a showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable; and

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

Notification of Non-Compliant Appeal Brief (37 CFR 41.37) mailed on 13 November, 2006, which set a one (1) month shortened period for reply. Petitioners filed a response on 8 December, 2006. On 26 March, 2007, a Communication Re: Appeal was mailed, stating the application was abandoned because a proper appeal brief had not been timely filed.

Petitioners assert unavoidable delay in that the requirement for a new appeal brief was in error.

Petitioners' assert, in pertinent part:

> It is significant to note that the Examiner's comments on the last page of the March 26, 2007 Communication Re: Appeal clearly indicate that applicants' Response successfully addressed and resolved three out of the four alleged defects! Therein, the Examiner admitted that the only remaining defect was the association of the specification page and line numbers to the features of the claims (see 37 CFR 41.37(c)(1)(v)). Nonetheless, the Examiner still required applicants to file an amended brief. (emphasis in original)

Petitioners further aver that according to MPEP 1205.03, the defects in the brief were minor, and that no new brief should be required. Furthermore, petitioners counsel states that during a telephone call he was told by the examiner's supervisor that a Notice of Non-Compliant Response should have been issued and the application should not have been held abandoned.

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 be "unavoidable".[2] Decisions on reviving abandoned applications on the basis of "unavoidable" delay have adopted the reasonably prudent person standard in determining if the delay was unavoidable:

> The word 'unavoidable' . . . is applicable to ordinary human affairs, and requires no more or greater care or diligence than is generally used and observed by prudent and careful men in relation to their most important business. It permits them in the exercise of this care to rely upon the ordinary and trustworthy

[2] 35 U.S.C. § 133.

> agencies of mail and telegraph, worthy and reliable employees, and such other means and instrumentalities as are usually employed in such important business. If unexpectedly, or through the unforeseen fault or imperfection of these agencies and instrumentalities, there occurs a failure, it may properly be said to be unavoidable, all other conditions of promptness in its rectification being present.[3]

The showing of record is inadequate to establish unavoidable delay within the meaning of 35 U.S.C. § 133 and 37 CFR 1.137(a).[4] Specifically, an application is "unavoidably" abandoned only where petitioner, or counsel for petitioner, takes all action necessary for a proper response to the outstanding Office action, but through the intervention of unforeseen circumstances, such as failure of mail, telegraph, facsimile, or the negligence of otherwise reliable employees, the response is not timely received in the Office.[5]

Petitioners' arguments have been considered, but are not persuasive. Contrary to petitioners' assertion, the examiner did not state that the brief contained only minor non-compliance as referenced in MPEP 1205.03. Rather, the Communication mailed on 26 March, 2007, states that, in accordance with section 1205.03 of the MPEP, an appeal will be dismissed if the appellant does not timely file an amended brief, or files an amended brief which does not overcome all of the reasons for noncompliance of which the appellant was notified. Here, the examiner stated that a timely amended brief was not filed, and that the previous filed brief was noncompliant. Nowhere did the examiner state that the non-compliance was a minor error which did not require a new brief.

The showing of record is that the Notice mailed on 8 December, 2006, required an amendment appeal brief, but applicants failed to timely file the required amended brief. As applicants admittedly did not comply with the Office requirement of timely

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[3] In re Mattullath, 38 App. D.C. 497, 514-15 (1912)(quoting Ex parte Pratt, 1887 Dec. Comm'r Pat. 31, 32-33 (1887)); see also Winkler v. Ladd, 221 F. Supp. 550, 552, 138 USPQ 666, 167-68 (D.D.C. 1963), aff'd, 143 USPQ 172 (D.C. Cir. 1963); Ex parte Henrich, 1913 Dec. Comm'r Pat. 139, 141 (1913). In addition, decisions on revival are made on a "case-by-case basis, taking all the facts and circumstances into account." Smith v. Mossinghoff, 671 F.2d 533, 538, 213 USPQ 977, 982 (D.C. Cir. 1982). Finally, a petition cannot be granted where a petitioner has failed to meet his or her burden of establishing that the delay was "unavoidable." Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N.D. Ind. 1987).

[4] See MPEP 711(c)(III)(C)(2) for a discussion of the requirements for a showing of unavoidable delay.

[5] Ex parte Pratt, 1887 Dec. Comm'r Pat. 31 (Comm'r Pat. 1887).

filing an amended brief, the application was properly held abandoned.

The U.S. Patent and Trademark Office must rely on the actions or inactions of duly authorized and voluntarily chosen representatives of the applicant, and applicant is bound by the consequences of those actions or inactions.[6] Specifically, petitioner's delay caused by the mistakes or negligence of his voluntarily chosen representative does not constitute unavoidable delay within the meaning of 35 U.S.C. § 133.[7]

With regard to petitioners' assertion that counsel was informed by the USPTO that the abandonment of the application was in error, there is no showing in the written record to support that allegation. As MPEP 711.03(c) states, a delay caused by an applicant's lack of knowledge or improper application of the patent statute, rules of practice or the MPEP is not rendered "unavoidable" due to: (A) the applicants' reliance upon oral advice from USPTO employees; or (B) the USPTO's failure to advise the applicants of any deficiency in sufficient time to permit the applicant to take corrective action.[8] Additionally, 37 CFR 1.2 states that the action of the U.S. 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.

As the showing of record is insufficient to satisfy the requirements of a grantable petition under 37 CFR 1.137(a), the petition will be dismissed.

PETITION UNDER 37 CFR 1.137(b)

As petitioner requests, in the alternative, that the petition be treated under 37 CFR 1.137(b)[9] if the petition under 37 CFR 1.137(a) is not granted, the petition will be so considered.

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[6] Link v. Wabash, 370 U.S. 626, 633-34 (1962).

[7] Haines v. Quigg, 673 F. Supp. 314, 316-17, 5 USPQ2d 1130, 1131-32 (N. D. Ind. 1987); Smith v. Diamond, 209 USPQ 1091 (D.D.C. 1981); Potter v. Dann, 201 USPQ 574 (D.D.C. 1978); Ex parte Murray, 1891 Dec. Comm'r Pat. 130, 131 (Comm'r Pat. 1891).

[8] See In re Sivertz, 227 USPQ 255, 256 (Comm'r Pat. 1985).

[9] 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,

The petition is **granted**.

Receipt of the amended Brief of Appeal is acknowledged.

The statement contained in the instant petition does not set forth that the entire delay from the due date of the required reply to the date of the filing of a grantable petition was unintentional as required by 37 CFR 1.137(b)(3). However, the statement contained in the instant petition is being so construed. Petitioner **must** notify the Office if this is not a correct interpretation.

The fee for a petition under 37 CFR 1.137(b) will be charged to counsel's deposit account, as authorized in the petition.

The application will be forwarded to Technology Center Art Unit 3731 for further processing.

DWood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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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)).

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United States Patent and Trademark Office
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MAR 09 2005

Lerner and Greenberg, PA
P.O. Box 2480
Hollywood, FL 33022-2480

In re Application of Kevin W. Smith et al Serial No. : 10/252,079 Filed : September 20, 2002 For : Surgical Fastener, Particularly for the Endoluminal Treatment of Gatroesophageal Reflux Disease (GERD)	: DECISION ON PETITION TO WITHDRAW HOLDING OF ABANDONMENT

This is a decision on petitioner's request filed August 26, 2004, to review the holding of abandonment mailed August 18, 2004, for failure to respond to the Office action mailed August 15, 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 November 12, 2003 as evidence that the response was timely received.

In view of the above, the Notice of Abandonment mailed August 18, 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 received November 12, 2004.

Summary: Holding of Abandonment Withdrawn.

Richard A. Bertsch, Director
Technology Center 3700
Phone: (571) 272-3750

ak/02/24/05

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HOWREY SIMON ARNOLD & WHITE LLP
BOX 34
1299 PENNSYLANIA AVENUE NW
WASHINGTON, DC 20004

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OFFICE OF PETITIONS

In re Application of	:
Anthony G. Grinwald et al	:DECISION ON PETITION
Application No. 10/252,084	:UNDER 37 CFR 1.78(a)(3)
Filed: September 23, 2002	:
Attorney Docket No. 03563.0070.CNUS03	:

This is a decision on the petition under 37 CFR § 1.78(a)(3), filed January 10, 2005, to accept an unintentionally delayed claim under 35 U.S.C. § 120 for the benefit of prior-filed nonprovisional Application No. 09/553,668, filed April 20, 2000.

The petition is **DISMISSED AS MOOT**.

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.

While a reference to the above-noted, prior-filed application was not included in an ADS or in the first sentence of the specification following the title as required by 37 CFR 1.78(a)(2)(iii), 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 an ADS but does appear either in the oath or declaration or a transmittal letter filed with the application and the Office notes the claim for priority, no petition will be required to accept a late claim for priority. This is because the application would have been scheduled for publication on the basis of the information concerning the claim submitted elsewhere in the application within the time period set forth in 37 CFR § 1.78(a)(2)(ii). However, on the other hand, if the USPTO does not note the claim for priority to the prior-filed application(s) set forth in the oath or declaration or transmittal letter submitted with the application, a petition will be required to accept a late claim for priority under 37 CFR

§ 1.78(a)(3). [1] In the instant case, the Office noted the claim for priority of the above-noted, prior-filed application in the transmittal letter filed with the application, as shown by its inclusion on the filing receipt.

In view of the above, the $1,370 petition fee submitted is unnecessary and will be refunded to petitioner's deposit account in due course.

Any questions concerning this decision on petition may be directed to the undersigned at (571) 272-3218. 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 AU 3711 for appropriate action on the amendment filed January 10, 2005, including consideration of the claim under 35 U.S.C. § 120 and 37 CFR 1.78(a)(2) for benefit of the above-noted, prior-filed application.

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

[1] *Note* MPEP 201.11 (III)(D) , pages 200-59 and 200-60 (Rev. 2. May 2004) and 66 Federal Register 67087 at 67089 (Dec. 28, 2001), effective December 28, 2001.

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)
6612923	2003-09-02	10252099	2002-09-23	

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	/Eric LaMorte/	Date (YYYY-MM-DD)	2009-07-17
Name	Eric LaMorte	Registration Number	34653

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

Privacy Act Statement

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

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

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

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

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

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

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

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

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

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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In re Patent No. 6612923
Issue Date: September 2,2003
Application No. 10252099
Filed: September 23,2002
Attorney Docket No. FLYNN-3

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

This is a decision on the electronic petition, filed July 17,2009 ,under 37 CFR 1.378(c) to accept the unintentionally delayed payment of the 3.5 year maintenance fee for the above-identified patent.

The petition is **GRANTED**.

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

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

UNITED STATES PATENT AND TRADEMARK OFFICE

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

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SEP 0 8 2004

OFFICE OF PETITIONS

In re Application of :
Ryoichi Ohara et al :
Application No. 10/252,105 :
Filed: September 23, 2002 :
Attorney Docket No. 228572US2TTCRD :

ON PETITION

This is a decision on the petition, filed September 7, 2004, under 37 CFR 1.313(c)(2) to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on April 7, 2004 in the above-identified application cannot be refunded. If, however, the above-identified application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

Telephone inquiries should be directed to the undersigned at (703) 305-8859.

The examiner of Technology Center AU 2817 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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COMMISSIONER FOR PATENTS
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ALEXANDRIA, VA 22313-1450
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Paper No. None

BROWDY AND NEIMARK, P.L.L.C.
624 Ninth Street, N.W.
Washington DC 20001

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OFFICE OF PETITIONS

In re Application of :
Kazuhito Yokomori et al. :
Application No. 10/252,116 :
Filed: September 23, 2002 : DECISION ON PETITION
Attorney Docket No. YOKOMORI=4 : UNDER 37 C.F.R. §1.137(B)
Title: INITIAL TENSION DEVICE :
FOR WIRE CABLE AND METHOD OF :
APPLYING INITIAL TENSION TO :
WIRE CABLE :

This is a decision on the petition filed August 1, 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 reply within the meaning of 37 C.F.R §1.113 in a timely manner to the final Office action mailed January 9, 2006, which set a shortened statutory period for reply of three months. An amendment was received on July 10, 2006 along with a three-month extension of time, however the response was improper. No further extensions of time under the provisions of 37 C.F.R §1.136(a) were available, and no additional responses were received.

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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.

Accordingly, the above-identified application became abandoned on July 10, 2006. A Notice of Abandonment was mailed on July 27, 2006.

With the present petition, Petitioner has submitted the petition fee and the proper statement of unintentional delay. Petitioner has further included a Request for Continued Examination (RCE) under 37 C.F.R. §1.114, the associated fee, and an amendment.

No terminal disclaimer is required. The RCE has been accepted as the required reply under 37 C.F.R. §1.137(b)(1). The amendment of July 10, 2006 shall serve as the required submission.

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

The Technology Center will be notified of this decision. The Technology Center's support staff will notify the Examiner of this decision, so that the RCE can be processed.

Telephone inquiries regarding *this decision* should be directed to the undersigned at (571) 272-3225[2]. 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

2 Petitioner will note that all practice before the Office should be in writing, and the action of the Office will be based exclusively on the written record in the Office. See 37 C.F.R. §1.2. As such, Petitioner is reminded that no telephone discussion may be controlling or considered authority for Petitioner's further action(s).

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COOLEY GODWARD KRONISH LLP
ATTN: Patent Group
Suite 500
1200 - 19th Street, NW
WASHINGTON DC 20036-2402

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OFFICE OF PETITIONS

In re Application of Laskowitz, et al. Application No. 10/252,120 Filed: September 23, 2002 Attorney Docket No. COGO-005/03US For: METHODS OF SUPPRESSING MICROGLIAL ACTIVATION AND SYSTEMIC INFLAMMATORY RESPONSES	: : : : :	ON PETITION

This is a decision on the petition under 37 CFR 1.181, filed January 10, 2007, 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 November 15, 2005, which set forth an extendable one (1) month period for reply. The Office contended that this application became abandoned on December 16, 2005 for failure to timely reply to the November 15, 2005 non-final Office action. A Notice of Abandonment was mailed on January 4, 2007.

Petitioners request withdrawal of the holding of abandonment based on the assertion that an amendment and petition for a one month extension of time were timely filed on March 15, 2006. These documents are present in the application file and Office records shows that they were received on March 15, 2006. However, petitioners required a **three** month extension of time, not a one month extension of time, as petitioners specified in their petition. Fortunately, petitioners authorized the Director to charge any appropriate fees to deposit account no. 50-1283. Therefore, the Office should have charged the full three month extension of time, or $510.00, on mailroom date March 15, 2006. The constructive petition for a the three month extension of time and amendment were timely filed.

The petition under 37 CFR 1.181 is **granted**, the holding of abandonment is withdrawn, and the January 4, 2007 Notice of Abandonment is **vacated**.

Regarding fees, no petition fee has been or will be charged in connection with this matter. The $450.00 balance due for the three month extension of time that should have been charged on mailroom date March 15, 2006 will be charged to petitioners' deposit account.

Accordingly, the application file will be forwarded to Technology Center A.U. 1649 for consideration of the amendment filed on June 26, 2006.

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

Shirene Willis Brantley

Shirene Willis 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

MAR 25 2005

MAILED

MAR 25 2005
OFFICE OF THE DIRECTOR
TC 3600

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

In re application of
Robert Dean Veres et al.
Application No. 10/252,126 :
Filed: September 20, 2002 :
For: METHOD AND SYSTEM FOR SCHEDULING TRANSACTION LISTINGS AT A NETWORK-BASED TRANSACTION FACILITY :

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on November 22, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. 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.

10/252,126

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), The statement included in the request, "Discontinuation of attorney client relationship," does not satisfy one of the valid reasons for withdrawal under 37 CFR 10.40 (b)(1)-(4) or (c)(1)-(6). The attorney may not discontinue the attorney client relationship on his own accord.

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

KJD/slb: 03/21/05

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
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FROM DIRECTORS OFFICE

MAR 16 2005

TECHNOLOGY CENTER 3600

BLAKELY SOKOLOFF TAYLOR & ZAFMAN
12400 WILSHIRE BOULEVARD
SEVENTH FLOOR
LOS ANGELES, CA 90025-1030

In re application of
Robert Dean Veres et al.
Application No. 10/252,128 :
Filed: September 20, 2002 :
For: METHOD AND SYSTEM FOR CUSTOMIZING A NETWORK-BASED TRANSACTION FACILITY SELLER APPLICATION :

DECISION ON REQUEST FOR WITHDRAWAL OF ATTORNEY

This is a decision on the request filed on November 22, 2004, under 37 CFR 1.36 and MPEP 402.06, requesting permission to withdraw as the attorney of record in the above-identified application.

The request is **NOT APPROVED**.

Under 37 CFR 1.36 an attorney may withdraw only upon application to and approval by the Commissioner. It should be noted that a withdrawal is effective when approved, not when filed. 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.

10/252,128

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), The statement included in the request, "Discontinuation of attorney client relationship," does not satisfy one of the valid reasons for withdrawal under 37 CFR 10.40 (b)(1)-(4) or (c)(1)-(6). The attorney may not discontinue the attorney client relationship on his own accord.

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

KJD/slb: 01/25/05

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 9-29-05

TO SPE OF : ART UNIT 4700

SUBJECT : Request for Certificate of Correction on Patent No.: 6811784

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.

EVA JAMES

(Continuation) should this be entered as requested?

Thank You For Your Assistance

Certificates of Correction Branch
Tel. No. 703-308-9309 ext. 116

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

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

Comments:

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

Paper No. 6

PENNIE AND EDMONDS
1155 AVENUE OF THE AMERICAS
NEW YORK NY 10036-2711

COPY MAILED

FEB 05 2003

OFFICE OF PETITIONS

In re Application of
Galford, et al.
Application No. 10/252,135
Filed: September 19, 2002
Attorney Docket No. 7420-098
For: METHOD AND SYSTEM FOR USING CONVENTIONAL CORE DATA TO CALIBRATE BOUND WATER VOLUMES DERIVED FROM NMR LOGS

DECISION DISMISSING PETITION

This is a decision on the petition filed December 20, 2002 requesting that Figure 40 submitted on December 20, 2002, be accorded a filing date of September 19, 2002.

The petition is **dismissed**.

The application was filed on September 19, 2002. On October 21, 2002, the Office of Initial Patent Examination mailed a Notice stating that Figure 40 described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that drawing figure 40 be accorded a filing date of September 19, 2002 because the entire contents of application no. 60/323,567 was specifically incorporated by reference into the above-identified application when the above-identified application was filed.

The Office permits an applicant to incorporate by reference a 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 second application to include any subject matter in such prior application(s), <u>without the need for a petition</u>.

If petitioners desire that the examiner consider omitted Figure 40 as part of the original disclosure, then petitioners should submit Figure 40 as an amendment. Any such amendment will, of course, be reviewed by the examiner for new matter. See MPEP 608.02(a).

Figure 40 submitted with the petition will <u>not</u> be entered at this time. The original application papers will include only those application papers present on the date of deposit.

Since the present petition was not necessitated by any error on the part of the Office, the $130.00 petition fee will not be refunded.

The Application is being returned to the Office of Initial Patent Examination for further

processing with a filing date of September 19, 2002, using only the application papers filed on Septenber 19, 2002.

Telephone inquiries should be directed to the undersigned at (703) 308-6712.

E. Shirene Willis

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
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P.O. Box 1450
Alexandria, VA 22313-1450
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HARNESS, DICKEY & PIERCE PLC
5445 CORPORATE DRIVE
SUITE 200
TROY, MICHIGAN 48098

COPY MAILED

MAR 08 2007

OFFICE OF PETITIONS

In re Application of	:	
Guorong Hu et al	:	
Application No. 10/252,138	:	DECISION ON PETITION
Filed: September 19, 2002	:	UNDER 37 CFR 1.313(c)(2)
Attorney Docket No. MP0169	:	

This is a decision on the petition under 37 CFR 1.313(c)(2), filed February 27, 2007, 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 by the deciding official's office 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**.

Since this application has issued, the concurrently filed request for continued examination (RCE) is improper and will not be processed. In view thereof, the $790 filing fee submitted therefor, as well as the petition fee of $130, will be refunded in due course.

The amendment and Information Disclosure Statement have been placed in the file of the above-identified application without further consideration. See 37 CFR 1.97(i).

Telephone inquiries should be directed to the undersigned at (571) 272-3218.

Frances Hicks
Petitions Examiner
Office of Petitions

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 5/11/2007

TO SPE OF : ART UNIT 2600 (2611)

SUBJECT : Request for Certificate of Correction on Patent No.: 7,187,730

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

Please complete this form and return with file ***(PFW)**, within **7** days to:
Certificates of Correction Branch – 2900 South Tower ste.9A43A
Palm location **7580** or forward ***(IFW)** to scanning using document code **COCX**.

***Are references on IDS (2/27) approved as requested in C of C?**

Ernest C. White, LIE (703) 308-9390x122
Certificates of Correction Branch

Thank You For Your Assistance

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

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

Comments:

The art on attached 1449 Should not be listed because the IDS filed 2/27/07 is not considered (note the Decision on Petition dated 3/8/07).
The proposed Change on figs 9 and 15 is approved.
The changes in fig 19 is not approved because of the following reason:
Block 1716 is missing Connection to Block 1718
Block 1750 is missing Connection to Block 1752

SPE

2611
Art Unit

OIPE IAP80
APR 2 3 2007
PATENT & TRADEMARK OFFICE

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent No.:	7,187,730
Issue Date:	March 6, 2007
Inventor(s):	Guorong Hu et al.
Application No:	10/252,138
Filing Date:	September 19, 2002
Title:	METHOD AND APPARATUS FOR PREDICTING CCK SUBSYMBOLS
Attorney Docket:	MP0169

Commissioner for Patents
Certificate of Correction Branch
P.O. Box 1450
Alexandria, Virginia 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION

Sir:

We have reviewed the above referenced patent and have found errors which appear to require a Certificate of Correction.

Enclosed herewith is an original and a copy of the Patent and Trademark Office Certificate of Correction form which we request be approved for the above-indicated patent.

PTO Form 2038 is enclosed authorizing the fee for correction. Please charge any underpayments or credit any over payment to Deposit Account No. 08-0750.

04/25/2007 LWONDIM1 00000004 7187730
01 FC:1811 100.00 OP

Respectfully submitted,

By: Michael D. Wiggins
Reg. No. 34,754

Dated: April 23, 2007

HARNESS, DICKEY & PIERCE, P.L.C.
P.O. Box 828
Bloomfield Hills, Michigan 48303
(248) 641-1600

APR 2 6 2007

PTO/SB/44 (04-04)
Approved for use through 04/30/2007. OMB 0651-0033
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.
(Also Form PTO-1050)

UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO: 7,187,730

APPLICATION NO: 10/252,138

DATED: March 6, 2007

INVENTOR(S): Guorong Hu et al.

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

X Title Page:	Art on attached 1449 missing from Title Page References
Partial app. Title Page:	Drawing Figures 9 (patent missing original drawings), Figs 15 and 17 not the same as submitted
Column 1, Lines 42-43:	Delete Equation (1) on patent and insert equation (1) per the attached sheet
Column 4, Line 13:	Delete "the including" after "including"
Column 5, Line 1:	Insert --502-- after "modulator"
Column 6, Lines 15, 16, 19 and 20:	Delete Equation (5) on patent and insert equation (5) per the attached sheet
Column 7, Line 57:	Delete "d2-3" and insert --d2-d3--
Column 9, Lines 34 & 51:	Delete "correlator" and insert --correlation unit--
Column 9, Line 39:	Delete "1500" and insert --1505--
Column 9, Line 45:	Delete "correlation unit" and insert --correlator 1505--
Column 9, Line 51:	Delete "Mb" and insert --Mbps--
Column 9, Line 56:	Insert --1530-- after "unit"
Column 10, Line 4:	Insert --while-- after "C_4'"
Column 10, Line 4:	Delete "to" after "required"
Column 11, Line 4:	Delete "5.5M" and insert --5.5 Mbps--
Column 12, Line 28:	Insert --1530-- after "unit"
Column 12, Line 32:	Delete "[[please confirm]]"
Column 14, Line 45:	Delete "cTo" and insert --c'. To--
Column 14, Line 57:	Equation 22 – first column, delete "I3" and insert -- -I3--
Column 14, Line 60:	Equation 22 – first column, delete "I6" and insert -- -I6 --
Column 15, Line 22:	Insert --1530-- after "unit"
Column 16, Line 50:	Insert --of-- after "plurality" (10-26-06 Ex. Amd.)
Column 16, Line 56:	Delete "type" and insert --types-- (10-26-06 Ex. Amd.)
Column 17, Line 54:	Insert --of-- after "plurality" (10-26-06 Ex. Amd.)
Column 17, Line 60:	Delete "type" and insert --types-- (10-26-06 Ex. Amd.)
Column 18, Line 64:	Insert --of-- after "plurality" (10-26-06 Ex. Amd.)
Column 19, Line 3:	Delete "type" and insert --types-- (10-26-06 Ex. Amd.)
Column 19, Line 15:	Insert --of-- after "plurality" (10-26-06 Ex. Amd.)

DE
Q9
8/8/07

MAILING ADDRESS OF SENDER: Harness, Dickey & Pierce, P.L.C.
5445 Corporate Drive, Suite 200
Troy, Michigan 48098

PATENT NO. 7,187,730

No. of additional copies
1

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

APR 2 6 2007

PTO/SB/44 (04-04)
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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
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UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF CORRECTION

PATENT NO: 7,187,730

APPLICATION NO: 10/252,138

DATED: March 6, 2007

INVENTOR(S): Guorong Hu et al.

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

✓Column 19, Line 21:	Delete "type" and Insert --types-- (10-26-06 Ex. Amd.)
✓Column 20, Line 19:	Insert --of-- after "plurality" (10-26-06 Ex. Amd.)
✓Column 20, Line 25:	Delete "type" and insert --types-- (10-26-06 Ex. Amd.)
✓Column 21, Line 27:	Insert --of-- after "plurality" (10-26-06 Ex. Amd.)
✓Column 21, Line 33:	Delete "type" and insert --types-- (10-26-06 Ex. Amd.)
✓Column 21, Line 43:	Delete "pluarality" and insert --plurality--
✓Column 21, Line 43:	Insert --of-- after "plurality" (10-26-06 Ex. Amd.)
✓Column 22, Line 53:	Insert --of-- after "plurality" (10-26-06 Ex. Amd.)

OK
AG 8/8/07

MAILING ADDRESS OF SENDER: Harness, Dickey & Pierce, P.L.C.
5445 Corporate Drive, Suite 200
Troy, Michigan 48098

PATENT NO. 7,187,730

No. of additional copies
⇨ 1

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

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

APR 2 6 2007.

OIPE IAP64
FEB 27 2007
PATENT & TRADEMARK OFFICE

FORM HDP-1449 (Based on Form PTO-1449)

PATENT AND TRADEMARK OFFICE
INFORMATION DISCLOSURE CITATION
(Use several sheets if necessary)

Sheet 1 of 1

ATTORNEY DOCKET NO.	SERIAL NO.
MP0169	10/252,138
APPLICANT	
Guorong Hu et al.	
FILING DATE	GROUP
9/19/2002	2611

U.S. PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Name	Class/ Subclass	(If appropriate) Filing Date
1.		2001/0034254	10/2001	Ranta, Jukka T.		
2.		2003/0012267 A1	1/2003	Jitsukawa et al		
3.		2003/0067904 A1	4/2003	Nagatani et al		
4.		5,579,345	11/1996	Kroeger et al		
5.		5,719,867	2/1998	Borazjani, Ramin		
6.		5,768,323	6/1998	Kroeger et al		
7.		5,841,816	11/1998	Dent et al		
8.		6,697,350 B2	2/2004	Lomp, Gary R.		

FOREIGN PATENT DOCUMENTS

Ref. Desig.	Examiner's Initials	Document Number	Date	Country	Class/ Subclass	Translation Yes	No
1.							

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

Ref. Desig.	Examiner's Initials	
1.		

Examiner:	Date Considered:

EXAMINER: Please initial if citation considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

APR 2 6 2007

Marvel 5059-000409

Attachment to Correction Sheet
Patent Column 1, lines 42-43, Equation (1)
Amendment 8-10-2006, Page 2, Equation (1)

Delete Equation (1) on patent and insert the following Equation (1) from Amendment

$$c = \{e^{j(\varphi_1+\varphi_2+\varphi_3+\varphi_4)}, e^{j(\varphi_2+\varphi_3+\varphi_4)}, e^{j(\varphi_1+\varphi_2+\varphi_4)},$$
$$-e^{j(\varphi_1+\varphi_4)}, e^{j(\varphi_1+\varphi_2+\varphi_3)}, e^{j(\varphi_1+\varphi_3)}, -e^{j(\varphi_1+\varphi_2)}, e^{j\varphi_1}\} \quad (1)$$

APR 2 6 2007

Marvel 5059-000409

Attachment to Correction Sheet
Patent Column 6, lines 15, 16, 19, 20 (Equation 5)
Application page 13, lines 2, 3, 6, and 7

OK
QG
8/8/07

Delete Equation (5) on patent and insert the following Equation (5) from Application

$$R = \begin{bmatrix} c0 \\ c1 \\ c2 \\ -c3 \\ c4 \\ c5 \\ -c6 \\ c7 \end{bmatrix}^T \begin{bmatrix} e^{j(\varphi_2+\varphi_3+\varphi_4)} \\ e^{j(\varphi_3+\varphi_4)} \\ e^{j(\varphi_2+\varphi_4)} \\ e^{j\varphi_4} \\ e^{j(\varphi_2+\varphi_3)} \\ e^{j\varphi_3} \\ e^{j\varphi_2} \\ 1 \end{bmatrix}^* = \begin{bmatrix} c0 \\ c2 \\ c1 \\ -c3 \\ c4 \\ -c6 \\ c5 \\ c7 \end{bmatrix}^T \begin{bmatrix} e^{j(\varphi_2+\varphi_3+\varphi_4)} \\ e^{j(\varphi_2+\varphi_4)} \\ e^{j(\varphi_3+\varphi_4)} \\ e^{j\varphi_4} \\ e^{j(\varphi_2+\varphi_3)} \\ e^{j\varphi_2} \\ e^{j\varphi_3} \\ 1 \end{bmatrix}^* \qquad (5)$$

APR 2 6 2007

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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KATHY MANKE
AVAGO TECHNOLOGIES LIMITED
4380 ZIEGLER ROAD
FORT COLLINS, CO 80525

COPY MAILED

AUG 0 7 2008

OFFICE OF PETITIONS

In re Application of	:	
Cham et al.	:	
Application No. 10/252,145	:	DECISION ON PETITION
Filed: September 19, 2002	:	
Attorney Docket No. 10004330-1	:	

This is a decision on the petition under the unintentional provisions of 37 CFR 1.137(b), filed January 30, 2008 to revive the above-identified application.

The petition is **GRANTED**.

The application became abandoned for failure to timely file a reply within the meaning of 37 CFR 1.113 to the final Office action of June 13, 2007. The proposed reply required for consideration of a petition to revive must be a Notice of Appeal (and appeal fee required by 37 CFR 41.20(b)(2), an amendment that *prima facie* places the application in condition for allowance, a Request for Continued Examination and submission (37 CFR 1.114), or the filing of a continuing application under 37 CFR 1.53(b). See MPEP 711.03(c)(III)(A)(2). No extensions of time pursuant to the provisions of 37 CFR 1.136(a) were obtained. Accordingly, the date of abandonment of this application is September 14, 2007. A Notice of Abandonment was mailed January 11, 2008.

The petition satisfies the requirements of 37 CFR 1.137(b) in that petitioner has supplied (1) the reply in the form of a Notice of Appeal and an Appeal Brief; (2) the petition fee of $1,540.00; and (3) a proper statement of unintentional delay.

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

It is not apparent whether the statement of unintentional delay was signed by a person who would have been in a position of knowing that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional. Nevertheless, in accordance with 37 CFR 10.18, the statement is accepted as constituting a certification of unintentional delay. However, in the event that petitioner has no knowledge that the delay was unintentional, petitioner must make such an inquiry to ascertain that, in fact, the delay was unintentional. If petitioner discovers that the delay was intentional, petitioner must notify the Office.

Further, the required Notice of Appeal fee of $510.00 will be charged to petitioner's deposit account as authorized.

Telephone inquiries concerning this decision should be directed to Joan Olszewski at (571) 272-7751.

This application is being referred to Technology Center AU 2879 for processing of the Notice of Appeal and Appeal Brief.

Liana Walsh
Petitions Examiner
Office of Petitions

cc: Robert Nelson
1999 Broadway, Suite 2225
Denver, CO 80202

OIPE
NOV 0 6 2002
JC109
PATENT & TRADEMARK OFFICE

CASE D0152 NP

CERTIFICATE OF MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to the: Assistant Commissioner for Patents, Washington, D.C. 20231.

Stephen C. D'Amico		10-31-02
Type or print name	Signature	Date

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF

TSUCHIHASHI ET AL.

APPLICATION NO: 10/252,155

FILED: SEPTEMBER 20, 2002

FOR: HUMAN SINGLE NUCLEOTIDE POLYMORPHISMS IN ORGANIC ANION TRANSPORT AND MULTI-DRUG RESISTANT PROTEINS

Attention: Box Missing Parts
Assistant Commissioner for Patents
Washington, DC 20231

RESPONSE TO NOTICE TO FILE MISSING PARTS

Sir:

The Notice to File Missing Parts of Application - Filing Date Granted dated October 16, 2002 (a copy of which is enclosed) has a shortened statutory time set to expire on December 16, 2002.

In response, applicants now submit an original or copy of a fully executed Declaration and Power of Attorney. Please charge the $130 surcharge fee under 37 CFR §1.16(e) to Deposit Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

The Commissioner is hereby authorized to charge any additional fees under 37 CFR §1.17 which may be required, or credit any overpayment, to Account No. 19-3880 in the name of Bristol-Myers Squibb Company.

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PATENT & TRADEMARK OFFICE

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#4

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
Washington, DC 20231
www.uspto.gov

RECEIVED
BMS PATENT LAW

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/252,155	09/[illegible]	[illegible] Tsuchihashi	D0152 NP

CONFIRMATION NO. 5305

FORMALITIES LETTER

OC000000008955680

23914
STEPHEN B. DAVIS
BRISTOL-MYERS SQUIBB COMPANY
PATENT DEPARTMENT
P O BOX 4000
PRINCETON, NJ 08543-4000

OCT 2 3 2002
Docketed Item _____
Due Date _____
Attorney _____

Date Mailed: 10/16/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

Items Required To Avoid Abandonment:

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(e) of $130 for a non-small entity, must be submitted with the missing items identified in this letter.

SUMMARY OF FEES DUE:

Total additional fee(s) required for this application is **$130** for a Large Entity

- **$130** Late oath or declaration Surcharge.

11/07/2002 MBIZUNES 00000131 193880 10252155

01 FC:1051 130.00 CH

A copy of this notice MUST be returned with the reply.

N1

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

A duplicate copy of this letter is provided for charging purposes.

Respectfully submitted,

Stephen C. D'Amico
Agent for Applicants
Reg. No. 46,652

Bristol-Myers Squibb Company
Patent Department
P.O. Box 4000
Princeton, NJ 08543-4000
(609) 252-5289
Date: 10-31-02

UNITED STATES PATENT AND TRADEMARK OFFICE

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

FRELING E. BAKER
BROWN MARTIN HALLER & MCCLAIM
1660 UNION STREET
SAN DIEGO CA 92101

In re Application of	:	
BENJAMIN V. BOOHER	:	DECISION ON PETITION
Application No. 10/242,155	:	TO WITHDRAW THE
Filed: September 12, 2002	:	HOLDING OF ABANDONMENT
For: QUICK CHANGE COMBINATION WHEEL AND BRAKE ASSEMBLY		

This is in response to applicant's petition to withdraw the holding of abandonment, filed in the United States Patent and Trademark Office (USPTO), on August 08, 2005. There is no fee for this petition.

The petition is **DENIED**.

A review of the file record indicates that a Notice of Abandonment was mailed on March 04, 2005 for failure to respond to the Office letter (Notice of Non-Compliant Amendment) mailed August 11, 2004 which set forth a one-month, extendable period in which to respond.

Applicant requests withdrawal of holding of abandonment as he contends that a response was timely filed on October 14, 2004 by facsimile. Applicant relies upon a copy of the facsimile transmittal form, which was transmitted with the response, and which has a Transmission Verification Report of October 14, 2004.

Petitioner's evidence of a timely filing based on a facsimile transmittal form and Transmission Verification Report is considered to be insufficient. In this regard, any facsimile receipt must be an authorized USPTO return fax receipt that will have a copy of the first page of the submission and a date upon which the fax submission was received by the USPTO. Any fax receipts from a senders fax machine alone are NOT acceptable. The transmission verification report generated by the fax machine sending the amendment is not acceptable evidence to accord the October 14, 2004 filing date to the copy of the response, as there is nothing serving to identify exactly what was submitted and thus no "tie-in" between the copy of the submission and the receipt date.

Applicant may wish to consider filing a petition to revive under 37 CFR 1.137(a) (unavoidable delay) or 37 CFR 1.137(b) (unintentional delay) as discussed below.

I. Unavoidable Delay

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), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the petition fee required by 37 CFR 1.17(l); and (3) an adequate showing to the satisfaction of the Commissioner that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(a) was unavoidable.

The showing requirement can be met by submission of statements of fact establishing that the delay in filing the reply was unavoidable. This includes a satisfactory showing that the cause of the delay resulting in failure to reply in a timely fashion to the Office action was unavoidable. Diligence during the time period between abandonment and filing of the petition to revive must also be shown.

As an alternative to filing a petition for unavoidable abandonment, a petition for revival of an application abandoned unintentionally under 37 CFR 1.137(b) might be appropriate.

II. Unintentional Delay

A grantable petition to revive an abandoned application under 37 CFR 1.137(b) must be accompanied by: (1) the required reply (unless previously filed), which may be met by the filing of a continuing application in a nonprovisional application abandoned for failure to prosecute; (2) the petition fee required by 37 CFR 1.17(m); and (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 CFR 1.137(b) was unintentional.

If not previously filed, the reply to the outstanding Office action must accompany the petition to revive. The required items should be promptly submitted under a cover letter entitled "Petition to Revive."

Further correspondence with respect to a petition to revive should be addressed as follows:

By Mail: Deputy Commissioner of Patent Examination Policy
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 should be directed to the Office of Petitions Staff at (571) 272-3282.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."

Kenneth J. Dorner
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6587

KJD/rjc 10/13/05

UNITED STATES PATENT AND TRADEMARK OFFICE

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

SCOTT P. ZIMMERMAN, PLLC
P O BOX 3822
CARY, NC 27519

COPY MAILED

JUL 3 0 2004

OFFICE OF PETITIONS

In re Application of :
Kevin Forsberg :
Application No. 10/252,192 :
Filed: September 23, 2002 :
Attorney Docket No. BS02143 (02-BS027) :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed June 24, 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 January 29, 2004, which set a statutory period for reply of three (3) months. Accordingly, the above-identified application became abandoned on April 30, 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), it will be interpreted as the required statement. Petitioner must notify the Office if this is **not** a correct interpretation of the statement contained in the instant petition.

The application matter is being forwarded to the Publishing Division 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

SPE RESPONSE FOR CERTIFICATE OF CORRECTION

Paper No.: _____

DATE : 4-18-05

TO SPE OF : ART UNIT 3748

SUBJECT : Request for Certificate of Correction on Patent No.: 6,843,058 B1

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

Please complete this form and return with file, within **7** days to:
Certificates of Correction Branch - PK 3-915
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.

Magdalene Talley

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:

UNITED STATES 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.

Siemens Corporation
Intellectual Property Department
186 Wood Avenue South
Iselin, NJ 08830

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DEC 13 2004

OFFICE OF PETITIONS

In re Application of :
North et al. : DECISION ON PETITION
Application No. 10/252,208 :
Filed: September 23, 2002 :
Attorney Docket No. 2002P14975US :

This is a decision on the "PETITION TO ACCEPT UNINTENTIONAL LATE PAYMENT OF ISSUE FEE," filed Thursday, October 14, 2004, in the above-identified application.

The petition under § 1.137(b) is **GRANTED**.

The above-identified application became abandoned for failure to timely pay the issue fee (and publication fee) within the three-month statutory period for reply set in the Notice of Allowance mailed July 13, 2004. No extensions of time are permitted for transmitting issue fees (or publication fees). Accordingly, the above-identified application became abandoned on October 14, 2004. The filing of the instant petition precedes the mailing of a courtesy Notice of Abandonment.

On instant petition, petitioner included the petition fee, the required reply in the form of payment of the issue fee (and publication fee)[1] and a statement that the entire delay was unintentional. Petitioner has, thereby, met the requirements for revival under § 1.137(b).

The Publishing Division has been advised of this decision. The application file has thereby been forwarded to the Publishing Division for processing into a patent.

Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

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[1] There was no distinct and concurrent requirement for new drawings.

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. 5

MAILED

JUN 1 1 2004

Technology Center 2100

In re Application of:
Robert Heard
Application No. 10/252,211
Filed: September 23, 2002
For: SYSTEM AND METHOD FOR DISTRIBUTION OF SECURITY POLICIES FOR MOBILE DEVICES

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation Under 37 CFR 1.36 and 10.40(c) filed May 19, 2004.

A Power of Attorney Under 37 CFR 1.36 was filed on May 14, 2004. The Power Of Attorney revoked all prior Powers Of Attorney and appointed TOLER, LARSON & ABEL L.L.P. as the attorneys of record of the instant application. The Power Of Attorney of May 14, 2004, was accepted. Accordingly, all communications from the U.S. Patent and Trademark Office to applicant are to be conducted by TOLER, LARSON & ABEL L.L.P.

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

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

James R. Matthews

for Vincent N. Trans
Special Program Examiner
Technology Center 2100
Computer Architecture, Software, and
Information Security

cc: Jeffrey G. Toler
TOLER, LARSON & ABEL L.L.P.
5000 Plaza on the Lake, Ste 265
Austin, TX 78746

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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JJGJr: 01-06

Paper No: __

WILSON SONSINI
GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

COPY MAILED

JUN 19 2006

OFFICE OF PETITIONS

In re Application of	:	
Heard, et al.	:	
Application No. 10/252,211	:	DECISION
Filed: 23 September, 2002	:	
Attorney Docket No.: 26991-703	:	

This is a decision on the petition, filed 16 March, 2006, to revive the instant nonprovisional application under the provisions of 37 C.F.R. §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 or otherwise requiring publication on 3 August, 2005. Moreover, Petitioner submitted the instant petition (with recision request) 17 October, 2005, upon learning of the error.

Thus, Petitioner alleges unintentional failure to notify the U.S. Patent and Trademark Office of this filing of the subject application in a foreign country within 45 days of that filing.

In view of the above, this application became abandoned pursuant to 35 U.S.C. §122(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 in a foreign country, or under a multilateral international agreement, that requires publication of applications 18 months after filing.

A petition under 37 C.F.R. §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 C.F.R. §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 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) has been rescinded. A Notice Regarding Rescission of Nonpublication Request, which sets forth the projected publication date of 28 September, 2006, accompanies this decision.

This application is being released to Technology Center 2100 for further processing in due course.

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

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

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.
10/252,211	09/23/2002	Robert W. Heard	26991-703

CONFIRMATION NO. 4879

021971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

Date Mailed: 06/16/2006

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/28/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
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APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/252,211	09/23/2002	Robert W. Heard	26991-703

CONFIRMATION NO. 4879

021971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

Date Mailed: 06/16/2006

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 09/28/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

UNITED STATES PATENT AND TRADEMARK OFFICE

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Alexandria, VA 22313-1450
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LARSON, NEWMAN, ABEL, POLANSKY & WHITE, LLP
5914 WEST COURTYARD DRIVE
SUITE 200
AUSTIN, TX 78730

MAILED

MAR 06 2009

OFFICE OF PETITIONS

In re Application of	:	
Robert W. Heard, et. al.	:	
Application No. 10/252,211	:	DECISION ON PETITION
Filed: September 23, 2002	:	TO WITHDRAW
Attorney Docket No. 40150.8	:	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 13, 2004.

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

A review of the file record indicates that the power of attorney to LARSON, NEWMAN, ABEL, POLANSKY & WHITE, LLP has been revoked by the assignee of the patent application on May 10, 2006. Accordingly, the request to withdraw under 37 CFR 1.36(b) is moot.

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

Telephone inquiries concerning this decision should be directed to Denise Williams at 571-272-8930.

Carl Friedman
Petitions Examiner
Office of Petitions

cc: HAYNES AND BOONE, LLP
IP Section
2323 Victory Avenue
Suite 700
Dallas TX 75219

UNITED STATES PATENT AND TRADEMARK OFFICE

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Paper No. 5

MAILED

JUN 11 2004

Technology Center 2100

In re Application of:
Dwayne Mann
Application No. 10/252,212
Filed: September 23, 2002
For: SERVER, COMPUTER MEMORY, AND METHOD TO SUPPORT SECURITY POLICY MAINTENANCE AND DISTRIBUTION

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request To Withdraw from Representation Under 37 CFR 1.36 and 10.40(c) filed May 19, 2004.

A Power of Attorney Under 37 CFR 1.36 was filed on May 14, 2004. The Power Of Attorney revoked all prior Powers Of Attorney and appointed TOLER, LARSON & ABEL L.L.P. as the attorneys of record of the instant application. The Power Of Attorney of May 14, 2004, was accepted. Accordingly, all communications from the U.S. Patent and Trademark Office to applicant are to be conducted by TOLER, LARSON & ABEL L.L.P.

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

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

For James R. Matthews

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

cc: Jeffrey G. Toler
TOLER, LARSON & ABEL L.L.P.
5000 Plaza on the Lake, Ste 265
Austin, TX 78746

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In re Application of :
Mann, et al. :
Application No. 10/252,212 :
Filed: September 23, 2002 :
Attorney Docket No. 036-0003 :

ON PETITION

This is a decision on the petition under 37 CFR 1.137(b), filed March 16, 2006, 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 September 19, 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 July 6, 2006, is attached.

This application is being returned to Technology Center 2100 for examination *in due course*.

Any inquiries concerning this decision may be directed to the undersigned at (571) 272-3228.

Edward J. Tannouse
Petitions Attorney
Office of Petitions
Office of the Deputy Commissioner
for Patent Examination Policy

Attachment:
Communication Regarding Rescission Of Nonpublication Request

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Paper No. 5

Zagorin O'Brien & Graham, L.L.P.
7600B N. Capital of Texas Hwy.
Suite 350
Austin, TX 78731

MAILED

JUL 0 2 2004

Technology Center 2100

In re Application of:
Robert HEARD, et. al.
Application No. 10/252,213
Filed: September 23, 2002
For: GATEKEEPER ARCHITECTURE/FEATURES TO SUPPORT SECURITY POLICY MAINTENANCE AND DISTRIBUTION

DECISION ON REQUEST TO WITHDRAW AS ATTORNEY OR AGENT

This is a decision on the Request For Withdrawal As Attorney Under 37 CFR § 1.36 and 0.40(c) filed May 19, 2004.

A Revocation And Substitution Of Power Of Attorney Under 37 CFR § 1.36 was filed on May 14, 2004. The Power Of Attorney revoked all prior Powers Of Attorney and appointed Toler, Larson & Abel, LLP as the attorneys of record of the instant application. The Power of Attorney of May 14, 2004 was accepted. Accordingly, all communications from the U.S. Patent and Trademark Office to applicant are to be conducted by Toler, Larson & Abel, LLP.

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

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

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

cc: Jeffrey G. Toler
Toler, Larson & Abel, L.L.P.
5000 Plaza on the Lake, Suite 265
Austin, TX 78746

UNITED STATES PATENT AND TRADEMARK OFFICE

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United States Patent and Trademark Office
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MAY 17 2006

OFFICE OF PETITIONS

In re Application of	:	
Heard et al.	:	DECISION ON PETITION
Application No. 10/252,213	:	
Filed: 23 September, 2002	:	
Atty Docket No. 26991-705	:	

This is a decision on the petition, filed on 16 March, 2006, under 37 CFR 1.137(f) which is treated as a petition to revive the above-identified nonprovisional application under the unintentional provisions of 37 CFR 1.137(b).

The petition is **GRANTED**.

Petitioner states that the present nonprovisional application is the subject of a foreign or international application filed on 19 September, 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 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 U.S.C. § 122(b)(2)(B)(i) has been rescinded.

A Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing, which sets forth the projected publication date of 24 August, 2006, is enclosed herewith.

The application is being referred to Technology Center Art Unit 2131 for further processing.

Any inquiries concerning this decision may be directed to the undersigned at 571.272.3231.

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Encl: Communication Regarding Rescission of Nonpublication Request and/or Notice of Foreign Filing

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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JEFFREY TOLER
Toler Larson and Abel LLP
5000 Plaza On The Lk Ste 265
Austin, TX 78746

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OFFICE OF PETITIONS

In re Application of	:	
HEARD, ROBERT W. et al	:	
Application No. 10/252,213	:	DECISION ON PETITION
Filed: August 23, 2002	:	TO WITHDRAW
Attorney Docket No. 036-0004	:	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 13, 2004.

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

A review of the file record indicates that the power of attorney to customer number 34456 has been revoked by the assignee of the patent application on March 14, 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 applicant.

Telephone inquires concerning this decision should be directed to Amelia Au at 571-272-7414.

Amelia Au
Petitions Examiner
Office of Petitions

cc: WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO CA 94304-1050

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HAYNES AND BOONE, LLP
901 Main Street
Suite 3100
Dallas TX 75202

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OFFICE OF PETITIONS

In re Application of	:	
Heard et al.	:	LETTER DISMISSING PETITION
Application Number: 10/252213	:	TO WITHDRAW HOLDING OF
Filing Date: 09/23/2002	:	ABANDONMENT
Attorney Docket Number:	:	
40150.10	:	

This is a decision in reference to the paper filed on May 19, 2008, requesting that the holding of abandonment be withdrawn.

The petition is **DISMISSED** for the reasons stated below.

This application became abandoned on December 26, 2007, for failure to submit a timely response to the final Office action mailed on September 25, 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 June 19, 2008.

The petition cannot be considered on the merits because it is unsigned. Specifically, 37 CFR 1.4 requires that all papers filed in the USPTO must be signed by either a registered patent attorney or all of the inventors in an application.

In this regard, it appears that the signature page of the petition was not filed with the other papers received on May 19, 2008, as no page containing the practitioner's signature is located among the papers filed on that date. Accordingly, a new copy of the petition, including the signature page, should be filed.

A review of the record indicates no irregularity in the mailing of the final Office action mailed on September 25, 2007, and in the absence of any irregularity in the mailing, there is a strong

presumption that the final Office action was properly mailed to the address of record. This presumption may be overcome by a showing that the final Office action was not in fact received.

It is noted that the petition asserts that the final Office action mailed on September 25, 2007, was never received. A copy of a docket record and statements by counsel's paralegal and docket clerk have been included with the papers filed.

MPEP 711.03(c) states:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
>
> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the

> practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
>
> The showing outlined above may not be sufficient if there are circumstances that point to a conclusion that the Office action may have been lost after receipt rather than a conclusion that the Office action was lost in the mail (e.g., if the practitioner has a history of not receiving Office actions).
>
> (emphasis added)

The petition must include the statement from the practitioner to the effect that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received.

Additionally, a copy of the practitioner's record(s) required to show non-receipt of the Office action should include the master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.

A reply to this communication should be submitted within **one (1) month** of the mailing date of this communication.

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

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

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

Douglas I. Wood
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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HAYNES AND BOONE, LLP
IP SECTION
2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

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In re Application of	:	
Heard et at.	:	
Application Number: 10/252213	:	ON PETITION
Filing Date: 09/23/2002	:	
Attorney Docket Number:	:	
40150.10	:	

This is a decision in response to the "RESPONSE TO LETTER DISMISSING PETITION TO WITHDRAW HOLDING OF ABANDONMENT AND RESUBMISSION OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181," filed on October 24, 2008.

This application was held abandoned on December 26, 2007, for failure to submit a timely response to the final Office action mailed on September 25, 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 June 19, 2008. The paper styled as a petition filed on May 19, 2008, was dismissed on October 15, 2008, because it was not signed.

Petitioners request that the Office withdraw the holding of abandonment due to non-receipt of the final Office action mailed on September 25, 2007. In support of the allegation that the final Office action mailed on September 25, 2007 was never received, petitioner has submitted a copy of counsel's docket record and provided a statement by registered patent practitioner David M. O'Dell stating that he performed a search of the file jacket and docket records for the above-identified application. Petitioner's counsel states that the search confirmed that an Office action dated September 25, 2007 was **not** received at the correspondence address of record. (emphasis in original) A copy of counsel's docket record is attached to and referenced in the practitioner's statement.

A review of the record indicates no irregularity in the mailing of the final Office action mailed on September 25, 2007, and in the absence of any irregularity in the mailing, there is a strong presumption that the final Office action mailed on September 25,

2007 was properly mailed to the address of record. This presumption may be overcome by a showing that the final Office action mailed on September 25, 2007 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
>
> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
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> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
>
> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the

> master docket for the firm. That is, if a three month period for reply was set in the nonreceived Office action, a copy of the master docket report showing all replies docketed for a date three months from the mail date of the nonreceived Office action must be submitted as documentary proof of nonreceipt of the Office action. If no such master docket exists, the practitioner should so state and provide other evidence such as, but not limited to, the following: the application file jacket; incoming mail log; calendar; reminder system; or the individual docket record for the application in question.
>
> (emphasis added)

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

The application is being referred to Technology Center Art Unit 2131 for remailing of the Notice of Allowance and Fee(s) Due mailed on September 25, 2007. The period for reply will be reset from the mailing date thereof.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

UNITED STATES PATENT AND TRADEMARK OFFICE

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2323 VICTORY AVENUE
SUITE 700
DALLAS TX 75219

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OFFICE OF PETITIONS

In re Application of :
Heard et at. :
Application Number: 10/252213 :
Filing Date: 09/23/2002 :
Attorney Docket Number: :
40150.10 :

ON PETITION

This is a corrected decision in response to the "RESPONSE TO LETTER DISMISSING PETITION TO WITHDRAW HOLDING OF ABANDONMENT AND RESUBMISSION OF PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 CFR §1.181," filed on October 24, 2008.

This application was held abandoned on December 26, 2007, for failure to submit a timely response to the final Office action mailed on September 25, 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 June 19, 2008. The paper styled as a petition filed on May 19, 2008, was dismissed on October 15, 2008, because it was not signed.

Petitioners request that the Office withdraw the holding of abandonment due to non-receipt of the final Office action mailed on September 25, 2007. In support of the allegation that the final Office action mailed on September 25, 2007 was never received, petitioner has submitted a copy of counsel's docket record and provided a statement by registered patent practitioner David M. O'Dell stating that he performed a search of the file jacket and docket records for the above-identified application. Petitioner's counsel states that the search confirmed that an Office action dated September 25, 2007 was **not** received at the correspondence address of record. (emphasis in original) A copy of counsel's docket record is attached to and referenced in the practitioner's statement.

A review of the record indicates no irregularity in the mailing of the final Office action mailed on September 25, 2007, and in the absence of any irregularity in the mailing, there is a strong presumption that the final Office action mailed on September 25,

2007 was properly mailed to the address of record. This presumption may be overcome by a showing that the final Office action mailed on September 25, 2007 was not in fact received.

MPEP 711.03(c) states, in pertinent part:

> In Delgar v. Schulyer, 172 USPQ 513 (D.D.C. 1971), the court decided that the Office should mail a new Notice of Allowance in view of the evidence presented in support of the contention that the applicant's representative did not receive the original Notice of Allowance. Under the reasoning of Delgar, an allegation that an Office action was never received may be considered in a petition to withdraw the holding of abandonment. If adequately supported, the Office may grant the petition to withdraw the holding of abandonment and remail the Office action. That is, the reasoning of Delgar is applicable regardless of whether an application is held abandoned for failure to timely pay the issue fee (35 U.S.C. 151) or for failure to prosecute (35 U.S.C. 133).
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> To minimize costs and burdens to practitioners and the Office, the Office has modified the showing required to establish nonreceipt of an Office action. The showing required to establish nonreceipt of an Office communication must include a statement from the practitioner describing the system used for recording an Office action received at the correspondence address of record with the USPTO. The statement should establish that the docketing system is sufficiently reliable. It is expected that the record would include, but not be limited to, the application number, attorney docket number, the mail date of the Office action and the due date for the response.
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> Practitioner must state that the Office action was not received at the correspondence address of record, and that a search of the practitioner's record(s), including any file jacket or the equivalent, and the application contents, indicates that the Office action was not received. A copy of the record(s) used by the practitioner where the non-received Office action would have been entered had it been received is required.
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> A copy of the practitioner's record(s) required to show non-receipt of the Office action should include the

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>
> (emphasis added)

Accordingly, there was no abandonment in fact. The Notice of Abandonment is hereby vacated and the holding of abandonment withdrawn.

The petition is **GRANTED.**

The application is being referred to Technology Center Art Unit 2431 for remailing of the final Office action mailed on September 25, 2007. The period for reply will be reset from the mailing date thereof.

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

D Wood

Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

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OFFICE OF PETITIONS

In re Application of :
Robert W. Heard, et al. :
Application No. 10/252,225 :
Filed: September 23, 2002 :
Attorney Docket No. 26991-706 :

DECISION GRANTING PETITION
UNDER 37 CFR 1.137(b)

This is a decision on the petition, filed March 16, 2006, 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 September 19, 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 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 October 19, 2006 accompanies this decision on petition.

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

This application is being referred to Technology Center Art Unit 2131 for further prosecution.

Sherry D. Brinkley
Petitions Examiner
Office of Petitions

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.
10/252,225	09/23/2002	Robert W. Heard	26991-706

CONFIRMATION NO. 4822

021971
WILSON SONSINI GOODRICH & ROSATI
650 PAGE MILL ROAD
PALO ALTO, CA 94304-1050

Date Mailed: 07/07/2006

Communication Regarding Rescission Of Nonpublication Request and/or Notice of Foreign Filing

Applicant's rescission of the previously-filed nonpublication request and/or notice of foreign filing is acknowledged. The paper has been reflected in the Patent and Trademark Office's (USPTO's) computer records so that the earliest possible projected publication date can be assigned.

The projected publication date is 10/19/2006.

If applicant rescinded the nonpublication request before or on the date of "foreign filing,"[1] then no notice of foreign filing is required.

If applicant foreign filed the application after filing the above application and before filing the rescission, and the rescission did not also include a notice of foreign filing, then a notice of foreign filing (not merely a rescission) is required to be filed within 45 days of the date of foreign filing. See 35 U.S.C. § 122(b)(2)(B)(iii), and Clarification of the United States Patent and Trademark Office's Interpretation of the Provisions of 35 U.S.C. § 122(b)(2)(B)(ii)-(iv), 1272 Off. Gaz. Pat. Office 22 (July 1, 2003).

If a notice of foreign filing is required and is not filed within 45 days of the date of foreign filing, then the application becomes abandoned pursuant to 35 U.S.C. § 122(b)(2)(B)(iii). In this situation, applicant should either file a petition to revive or notify the Office that the application is abandoned. See 37 CFR 1.137(f). Any such petition to revive will be forwarded to the Office of Petitions for a decision. Note that the filing of the petition will not operate to stay any period of reply that may be running against the application.

Questions regarding petitions to revive should be directed to the Office of Petitions at (571) 272-3282. Questions regarding publications of patent applications should be directed to the patent application publication hotline at (703) 605-4283 or by e-mail pgpub@uspto.gov.

[1] Note, for purpose of this notice, that "foreign filing" means "filing an application directed to the same invention in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing".

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PATENT SERVICES
101 COLUMBIA ROAD
P O BOX 2245
MORRISTOWN, NJ 07962-2245

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OFFICE OF PETITIONS

In re Application of
Garrison GOMEZ, et *al.*
Application No. 10/252,227
Filed: September 23, 2009
Attorney Docket No. **H28225**

DECISION GRANTING PETITION
UNDER 37 CFR 1.313(c)(2)

This is a decision on the petition under 37 CFR 1.313(c)(2), filed December 10, 2009, to withdraw the above-identified application from issue after payment of the issue fee.

The petition is **GRANTED**.

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

Petitioner is advised that the issue fee paid on October 19, 2009 cannot be refunded. If, however, this application is again allowed, petitioner may request that it be applied towards the issue fee required by the new Notice of Allowance.[1]

The application file does not indicate a change of address has been filed in this case, although the address given on the petition differs from the address of record. A change of address should be filed in this case in accordance with MPEP 601.03. A courtesy copy of this decision is being mailed to the address noted on the petition. However, until otherwise instructed, all future correspondence regarding this application will be mailed solely to the address of record.

Telephone inquiries should be directed to the undersigned at (571) 272-7253.

This application is being referred to Technology Center AU 2887 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

cc: **GEORGE S. BLASIAK**
MARJAMA MULDOON BLASIAK & SULLICAN, LLP.
250 S. CLINTON STREET, SUITE 300
SYRACUSE, NEW YORK 13202

---

[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
www.uspto.gov

MAR 10 2004

OPPENHEIMER WOLFF & DONNELLY LLP
2029 CENTURY PARK EAST, SUITE 3800
LOS ANGELES CA 90067

In re Application of	:
Potito U. De Paolis et al.	:
Serial No.: 10/252,228	: PETITION TO MAKE SPECIAL
Filed: September 23, 2002	:
Attorney Docket No.: 21958-11	:

This is in response to applicants' petition filed February 18, 2004, 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. Therefor 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 William R. Dixon, Jr. by letter addressed to the Director, Technology Center 1600, PO BOX 1450, ALEXANDRIA, VA 22313-1450, or by telephone at 571-272-0519 or by facsimile transmission to the general Office facsimile number.

William R. Dixon, Jr.
Special Program Examiner
Technology Center 1600

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
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Joel H. Bock
Cook, Alex, McFarron, Manzo,
Cummings & Mehler, Ltd.
200 West Adams Street - Suite 2850
Chicago IL 60606

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OFFICE OF PETITIONS

In re Application of :
Wilson et al. :
Application No. 10/252;242 : ON PETITION
Filed: September 23, 2002 :
Attorney Docket No. 1029-0324.06 :

This is a decision on the petition under 37 CFR §1.181(a) to withdraw the holding of abandonment, filed February 3, 2005.

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

This application became abandoned for failure to timely submit the issue and publication fees, as required by the Notice of Allowance and Fee (s) Due which was mailed July 12, 2004. The Notice of Allowance and Fee (s) Due set a three (3) month statutory period for reply. Extensions of time were not available under the provisions of 37 CFR 1.136(a). Accordingly, this application became abandoned on October 12, 2004. A Notice of Abandonment was mailed on November 22, 2004.

Petitioner asserts that the Notice of Allowance and Fee (s) Due mailed on July 12, 2004 was never received. A review of the record indicates the Notice of Allowance and Fee (s) Due was mailed to an incorrect correspondence address. The Notice of Allowance and Fee (s) Due was mailed to 20 West Adams Street. A review of the record shows both the transmittal letter and declaration submitted September 23, 2002 indicate the correspondence address of record is 20**0** West Adams Street. Further review shows a change of correspondence address has never been submitted in this application. Thus the Notice of Allowance and Fee (s) Due was improperly mailed.

This application is being forwarded to Art Unit 3751 for re-mailing of the Notice of Allowance and Fee (s) Due to the correct correspondence address of record.

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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P.O. Box 1450
Alexandria, VA 22313-1450
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JOEL H BOCK
COOK ALEX MCFARRON, MANZO
CUMMINGS & MEHLER LTD
200 WEST ADAMS STREET - SUITE 2850
CHICAGO IL 60606

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In re Application	: DECISION ON APPLICATION
Wilson, et al.	: FOR PATENT TERM ADJUSTMENT
Application No. 10/252,242	: AND NOTICE OF
Filed: September 23, 2002	: INTENT TO ISSUE
Patent No. 7,124,997	: CERTIFICATE OF CORRECTION
Issued: October 24, 2006	:

This is a decision on the "COMMUNICATION REGARDING PATENT TERM ADJUSTMENT", filed December 27, 2006. Patentees state in accordance with their duty of candor and good faith that the presently accorded determination of patent term adjustment extends the patent term by too many days.

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

The patent term adjustment indicated on the patent is to be corrected by issuance of a certificate of correction showing a revised Patent Term Adjustment of **nineteen (19)** days.

On May 9, 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 one hundred thirty (130) days. The application issued into Patent No. 7,124,997 on October 24, 2006, with a patent term adjustment of three hundred ninety-six (396) days.

The Office determined a patent term adjustment of three hundred ninety-six (396) days based on an adjustment for PTO delay of one hundred thirty (130) days pursuant to 35 U.S.C. 154(b)(1)(A)(i) and 37 C.F.R. § 1.703(a)(1), and two hundred sixty-six (266) days pursuant to 35 U.S.C. 154(b)(1)(B) and 37 C.F.R. § 1.703(b), reduced by zero (0) days of Applicant delay.

A review of the file reveals that Applicants should have been assessed additional delay of three hundred seventy-seven (377) days. The Office mailed a Notice of Abandonment on November 22, 2004. Applicants did not file a petition to withdraw the holding of abandonment until February 3, 2006. Accordingly, pursuant to 37 C.F.R. § 1.704(c)(4), 377 days of applicant delay should have been assessed.

The Office thanks Patentees for their good faith and candor in bringing this matter to the Office's attention.

The matter is being forwarded to the Certificates of Correction Branch for issuance of a certificate of correction in order to rectify the error regarding the patent term information. See 35 U.S.C. § 254 and 37 CFR 1.322. The certificate of correction will indicate that the term of the above-identified patent is extended or adjusted by **nineteen (19)** days, subject to any disclaimers.

Telephone inquiries specific to this matter should be directed to Cliff Congo, Petitions Attorney, at (571)272-3207.

Nancy Johnson
Senior Petitions Attorney
Office of Petitions

Enclosure: Draft Certificate of Correction

cc: Foley & Lardner LLP
321 North Clark Street
Suite 2800
Chicago, IL 60610-4764

UNITED STATES PATENT AND TRADEMARK OFFICE

DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,124,997 B2

DATED : October 24, 2006

INVENTOR(S) : Wilson, et al.

DRAFT

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

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by (396) days

Delete the phrase "by 396 days" and insert – by 19 days—

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WALL MARJAMA & BILINSKI
101 SOUTH SALINA STREET
SUITE 400
SYRACUSE, NY 13202

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In re Application of :
McCall, et al. :
Application No. 10/252,259 : ON PETITION
Filed: September 23, 2002 :
Attorney Docket No.: 283-346.13 :

This is a decision on the "Petition for Suspension of the Rules under 37 CFR 1.183" filed October 26, 2005. The petition will be treated as a petition under 37 CFR 1.183 to waive the requirements of 37 CFR 1.97.

The petition is **dismissed.**

A review of the application file and history reveals that the issue fee was paid on March 1, 2004, and that subsequently, Information Disclosure Statements (IDS) were filed on April 12, 2004, April 19, 2004, April 8, 2005, and October 17, 2005. In each instance, the examiner assigned to the application issued a communication responsive to the IDS filings noting that the IDS was filed after the issue fee was paid and would, therefore, not be considered. The communications also indicated that applicant had the option to withdraw the application from issue to file a request for continued examination or a continuing application. Rather than file the petition under 37 CFR 1.313 to withdraw the application from issue, petitioner elected to file other IDS filings after payment of the issue despite being advised that the IDS would not be considered.

Petitioner maintains that the requirements of 37 CFR 1.97(d) should be suspended so that the IDS filings made after payment of the issue fee can be considered because an extended period has passed since the issue fee was paid and the patent has not issued. Petitioner further maintains that the delay is the fault of the Patent and Trademark Office and is extraordinary and that an appropriate remedy is to suspend the rules to allow consideration of the IDS filings after payment of the issue and waive the fee required by 37 CFR 1.97(d)(2).

It is noted that 37 CFR 1.97(d) provides that:

> An information disclosure statement shall be considered by the Office if filed by the applicant after the period specified in paragraph (c) of this section provided that the information disclosure statement is filed on or before payment of the issue fee and is accompanied by:
>
> (1) The statement specified in paragraph (e) of this section; and
>
> (2) The fee set forth in 1.17(p).

It is further noted that 37 CFR 1.83 permits suspension or waiver of the rules, that are not also the requirements of the statute, in extraordinary situations or when justice requires. Petitioner has not, however, identified any circumstance that would justify waiver of the requirements of 37 CFR 1.97(d).

The record reflects that although the issue fee was paid on March 1, 2004, petitioner made several IDS filings that prevented the application from proceeding to issuance. Petitioner should note that each time an IDS was filed, the application was redirected from the Office of Patent Publications to the Technology Center for a response to the IDS. Arguably, the delay in issuance of the patent was a result of the applicant's repeated IDS filings that necessitated responses from the Office; the resulting delays in the application proceeding to issuance were not undue, but are attributable to the reasonable processing time for IDS filings. Suspension of the requirements of 37 CFR 1.97 is not justified as the delay was not the result of any negligence on the part of the Office, but resulted from the Office's attempt to respond to the IDS filings made by petitioner.

It is noted that in each of the relevant IDS filings, petitioner conceded that the IDS could not be considered because the filing was made after the issue fee was paid, but that petitioner wanted the IDS to be placed in the application to complete the file record. It is further noted that in response to each IDS filing made after payment of the issue fee, petitioner was informed that the IDS would not be considered, but would be placed in the application file, and that petitioner had the option of withdrawing the application from issue pursuant to 37 CFR 1.313 in order to file a continuing application or request for continued examination to have the IDS considered. These courses of action were reasonable ways to have the IDS filings either placed in the application file (as requested in the IDS filings) or considered. Petitioner's decision to simply have the IDS filings placed in the application file and not to have the IDS filings considered by withdrawing the application from issuance does not constitute such an extraordinary situation such that waiver or suspension of the rules would be warranted. Justice does not require waiver or suspension of the rules where, as in this case, petitioner has a viable and reasonable option available, but elects not to avail himself of that option. The petition is dismissed, accordingly.

The fee for petition under 37 CFR 1.183 is $400.00. See 37 CFR 1.17(f). The petition fee will be charged to deposit account 50-0289, pursuant to the general authorization found in communication filed October 17, 2005.

It is noted that petitioner filed another IDS on October 17, 2005, which has not yet been acknowledged by the Technology Center. The application file will not proceed to the Office of Patent Publications until the Technology Center acknowledges the IDS of October 17, 2005. As the IDS will likely not be considered because it was filed after payment of the issue fee, petitioner should file a petition under 37 CFR 1.313 to withdraw the application form issuance and file a continuing application or request for continued examination if petitioner wishes the IDS to be considered.

The application file is directed to Technology Center 2800, GAU 2876 for further processing.

Questions regarding this decision may be directed to the undersigned at (571) 272-3222.

Kenya A. McLaughlin

Kenya A. McLaughlin
Petitions Attorney
Office of Petitions

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SYRACUSE NY 13202

In re Application of	:	
Melvin D. McCall et al	:	
Application No. 10/252,259	:	ON PETITION
Filed: September 23, 2002	:	
Attorney Docket No. 283-346.13	:	

This is a decision on the petition, filed February 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 March 1, 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 2876 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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75 STATE STREET, 14TH FL
ALBANY, NY 12207

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OFFICE OF PETITIONS

In re Application of	:	
Rudi Vanhooydonck et al	:	
Application No. 10/252,271	:	ON PETITION
Filed: September 23, 2002	:	
Attorney Docket No. AFGA1-0005	:	

This is a decision on the petition under 37 CFR 1.137(b), filed July 11, 2005, and resubmitted on October 18, 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 November 1, 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 February 2, 2005.

The petition satisfies the conditions for revival pursuant to the provisions of 37 CFR 1.137(b) in that (1) the reply in the form of an amendment; (2) the petition fee; and (3) the required statement of unintentional delay have been received. Accordingly, the reply to the final Office action of November 1, 2004 is accepted as having been unintentionally delay.

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

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

appropriate power of attorney or authorization of agent must be submitted. While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed to the address of currently of record until such time as appropriate instructions are received to the contrary.

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

This matter is being referred to Technology Center AU 2861.

Wan Laymon
Petitions Examiner
Office of Petitions

cc: ROBERT A. SABOURIN
AFGA CORP., PATENT DEPT.
200 BALLARDVALE ST
WILMINGTON, MA 01887